

Exhibit B

EXHIBIT 2

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Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER) Case No.
TECHNOLOGIES, INC.,) 3:23-md-03084-
PASSENGER SEXUAL) CRB(LJC)
ASSAULT LITIGATION)
_____)
This Document Relates)
to:)
ALL ACTIONS)
_____)

REMOTE VIDEOTAPED DEPOSITION OF
BRUCE WEINER
New York, New York
Tuesday, October 28, 2025

Reported By:
CATHI IRISH, RPR, CRR, CLVS

Job No. CS7657810

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October 28, 2025

9:05 a.m.

Remote videotaped deposition of
BRUCE WEINER, with all participants
appearing via videoconference, before
Cathi Irish, a Registered Professional
Reporter, Certified Realtime Reporter,
and Notary Public of the State of
New York.

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A P P E A R A N C E S :

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A P P E A R A N C E S: (continued)

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ALSO PRESENT:

BAILEY FINNESTAD, videographer

CURTIS DELANEY

REILLY DUNNE

JONATHAN JAFFE

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1
2 THE VIDEOGRAPHER: Good morning.
3 We're going on the record at 9:05 a.m.
4 Eastern time on October 28, 2025.
5 Please note that this deposition is
6 being conducted virtually. Quality of
7 recording depends on the quality of
8 camera and Internet connection of
9 participants. What is seen from the
10 witness and heard on screen is what
11 will be recorded. Audio and video
12 recording will continue to take place
13 unless all parties agree to go off the
14 record.

15 This is media unit 1 of the video
16 recorded deposition of Bruce Weiner in
17 the matter of In Re Uber Rideshare
18 Technologies Passenger Sexual Assault
19 Litigation, filed in the United States
20 District Court, Northern District of
21 California, San Francisco Division.
22 The case number is 3:23-md-03084-CRB
23 (LJC).

24 This deposition is being
25 conducted remotely using virtual

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technology.

My name is Bailey Finnestad representing Veritext Legal Solutions and I'm the videographer. The court reporter is Cathi Irish from the firm Veritext Legal Solutions.

I am not authorized to administer an oath, I'm not related to any party in this action, nor am I financially interested in the outcome.

Appearances will be reflected in the stenographic record.

Will the court reporter please swear in the witness?

B R U C E W E I N E R, called as a witness, having been duly sworn by a Notary Public, was examined and testified as follows:

MS. ELLIS: Counsel, before we begin, as I told you before we went on the record, Mr. Weiner has a short notice that he needs to put on the record.

MS. CARITIS: Understood.

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2 THE WITNESS: So all I have to
3 say here is that the views and
4 testimony I provide today are my own
5 and are not related to my employment
6 at the New York Federal Reserve Bank.
7 The New York Federal Reserve Bank has
8 no stance on this litigation.

9 EXAMINATION

10 BY MS. CARITIS:

11 Q. Thank you, Mr. Weiner. I just
12 introduced myself a few minutes ago off
13 the record. My name is Alex Caritis and I
14 represent Uber in this case. I will say I
15 am losing my voice or lost it, it's coming
16 back. I'm going to make it through but if
17 there's ever a time when you can't hear me
18 or understand, it will be the first that
19 someone tells me to speak up, but please
20 do.

21 Same, Cathi, if you can't hear
22 me, please just let me know.

23 So I apologize for any
24 inconvenience but I wanted to make sure
25 you should always feel comfortable to say,

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2 Alex, can you restate that, I can't hear
3 you.

4 A. Sure.

5 Q. You already just provided a short
6 statement but could you please introduce
7 yourself to the jury, stating your full
8 name?

9 A. Sure. My name is Bruce Weiner.
10 I am technology and product development
11 expert in this case.

12 Q. And Mr. Weiner, we are conducting
13 this deposition remotely. And it's my
14 understanding that plaintiff's counsel is
15 in the room with you; is that correct?

16 A. She's sitting right next to me.

17 Q. Okay. Where are you both
18 physically located?

19 A. We're at a law office and I don't
20 know the exact address. Do you have that,
21 Tiffany?

22 MS. ELLIS: 112 Madison Avenue.

23 BY MS. CARITIS:

24 Q. And whose law office is that, is
25 that Ms. Ellis's law office?

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2 MS. ELLIS: The law office of
3 Simmons Hanly Conroy.

4 BY MS. CARITIS:

5 Q. And Mr. Weiner, is there anybody
6 else in the room with you besides
7 Ms. Ellis?

8 A. At this moment in this conference
9 room there are just the two of us.

10 Q. And we are talking via screen so
11 I assume you have a computer screen in
12 front of you; is that right?

13 A. That is exactly correct.

14 Q. Okay. And do you have any e-mail
15 or messaging applications up along with
16 the Zoom platform?

17 A. No, I've used a computer that was
18 provided to me here, which only has Zoom
19 on it.

20 Q. Great. And I would just ask that
21 throughout the duration of on-the-record
22 time you please not refer to any e-mails
23 or messaging applications either on the
24 computer you're utilizing or on your cell
25 phone; is that fair?

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2 A. Absolutely. I do have certain
3 documents here printed out. I assume I
4 can refer to those?

5 Q. Certainly. And you just
6 anticipated my next question. I was going
7 to ask what documents, if any, you have in
8 front of you, so can you please let me
9 know what you have next to you?

10 A. Sure. I have my report printed
11 out right here next to me. We have the
12 ISO standards and IEEE standards that were
13 referred to in my case. And then we have
14 a couple of documents, I believe counsel
15 informed you of, that were recently
16 de-designated or part of recent
17 depositions as depo aids that I have in
18 the room as well.

19 Q. Okay. Can you provide a little
20 more information about what those
21 deposition aids are, please?

22 A. Sure. I have a document which is
23 the global feature definition of S-RAD and
24 the U.S. regional additional feature
25 deposition for S-RAD. I have an S-RAD

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2 document called Safety Risk Dispatch. I
3 have a baseline S-RAD global model. I
4 have a depo aid from Ms. Esteves's
5 deposition which covers all of the safety
6 features that she was prepared to speak
7 about at the 30(b)(6) on deposition. And
8 then I have Sunny Wong's deposition aid
9 that refers to the S-RAD scores for the
10 Wave 1 cases. I also have the depositions
11 of the Wave 1 defendants.

12 Q. Sorry, to be clear, you have the
13 depositions of the five Wave 1 plaintiffs?

14 A. Plaintiffs, plaintiffs, my
15 apologies.

16 Q. Were any of these materials
17 provided to you after you issued your
18 September 26, 2025 report?

19 A. The few de-designated documents
20 that I mentioned were made available after
21 they were de-designated, which came after
22 my report, and the Sunny Wong deposition
23 was just last week, I believe.

24 Q. Did any of the information
25 provided to you in the documents that

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2 you're calling de-designated documents and
3 the Sunny Wong deposition that occurred
4 concerning S-RAD more recently change any
5 of your opinions in your September 26,
6 2025 report?

7 A. No. As of this document the
8 complete set of my opinions are contained
9 in my report. As I mentioned at the end
10 of my report I reserve my right to
11 consider additional materials and I am
12 looking at those materials but I have not
13 formed any new opinions based on them at
14 this time.

15 Q. Sitting here today, I don't even
16 know what date it is, October 28th about
17 9:00 your time, are you anticipating
18 serving a supplemental or rebuttal expert
19 report in these five Wave 1 cases?

20 A. At this moment I am still
21 reserving the right to submit a
22 supplemental as it relates to some of
23 these de-designated and new depositions,
24 but I have not made that determination yet
25 until I fully consume and understand the

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materials and have viewed if there are any changes to my opinions, which as of this moment I mention there are not.

Q. What's your understanding of when these de-designated documents were produced to plaintiffs?

A. I've seen some of these de-designated documents. I was actually on retreat after I submitted my report and when I returned, they were made available in Everlaw but I do not know the specific date they were de-designated.

Q. Do you know the dates that Mr. Wong was deposed concerning S-RAD and Wave 1 plaintiffs?

A. I believe that was last week. I don't have the specific date in front of me but again, as I exited my retreat, that deposition transcript was made available to me.

Q. How did you select which hardcopy documents to have in front of you today?

A. I considered the documents that I have read over the last two weeks and

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1 WEINER

2 asked counsel to print a few documents
3 which I might -- thought might be helpful
4 explainer aids if we get into questions
5 that were relevant.

6 Q. So are there any other documents
7 that you have physically in front of you
8 today aside from those that you have just
9 referenced for me?

10 A. I believe I've covered everything
11 in the room.

12 Q. Did you interview anybody in
13 connection with your report?

14 A. There have been no interviews in
15 connection with my report at all.

16 Q. You've been deposed a few times
17 before, that's correct, Mr. Weiner?

18 A. That is correct.

19 Q. So I don't want to spend a lot of
20 time talking through some rules but just
21 want to make sure we're clear on a few
22 things. You're very good in your cadence
23 so I don't anticipate this being a
24 problem. I talk quickly. Again, I will
25 try to slow down if you could do the same

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2 so that we're giving Cathi a chance to get
3 everything down on the stenographic record
4 that would be great; is that fair?

5 A. A hundred percent fair.

6 Q. And as I'm sure Ms. Ellis has
7 talked to you about or you've experienced
8 before, she has the opportunity to object
9 to form objections. So to allow her an
10 opportunity to interject there, if you
11 could please also pause after I ask my
12 question to provide her an opportunity so
13 that she's not inadvertently speaking over
14 you. Is that fair?

15 A. That is absolutely fair.

16 Q. We'll take regular breaks today,
17 I anticipate about every hour along with a
18 little longer one at the lunchtime. If
19 you ever need a break for any reason, be
20 that technology or otherwise, please let
21 me know, I'm happy to do that. I just ask
22 that we answer the pending question before
23 we break. Is that okay?

24 A. I appreciate that and that seems
25 very fair.

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2 Q. And I know that it is bright and
3 early but I have to ask for purposes of
4 the record, have you had any alcoholic
5 drinks in the past eight hours?

6 A. I have not had any alcoholic
7 drinks in the past eight hours.

8 Q. Are you on any medication today
9 that might interfere with your ability to
10 give accurate testimony?

11 A. I am not on any medication today
12 that might interfere with my ability to
13 give accurate testimony today.

14 Q. Is there any other reason that
15 you can think of that you are unable,
16 would be unable to give complete and
17 accurate testimony today?

18 A. I cannot think of any reason I
19 would be unable to give complete and
20 accurate testimony today.

21 Q. Okay. Mr. Weiner, when we
22 started this deposition, you opened up
23 with a short disclaimer making it very
24 clear that you're here today to provide
25 your expert opinion totally independent of

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2 the work you do for your current employer;
3 is that right?

4 A. That is correct. That is a
5 statement I'm given by my current employer
6 to give me the authority and approval to
7 participate in these kinds of activities.

8 Q. Okay. And when you say these
9 types of activities, you mean litigation
10 consulting; is that right?

11 A. I mean litigation consulting
12 that's right.

13 Q. And you are an electrical
14 engineer and a computer scientist by
15 education and training; is that right?

16 A. That is correct.

17 Q. And as we just discussed, you
18 currently are employed at the Federal
19 Reserve Bank of New York; right?

20 A. I am currently employed at the
21 Federal Reserve Bank of New York.

22 Q. Okay. You're a full-time
23 employee at the Federal Reserve; is that
24 right?

25 A. That is correct.

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2 Q. You said that they approve of you
3 doing litigation consulting on the side so
4 long as you provide that disclaimer
5 statement first; is that fair?

6 A. That is correct.

7 Q. Do they set -- does the Federal
8 Reserve set any rules or guidelines
9 concerning when you are to complete your
10 litigation consulting work as opposed to
11 when you are supposed to be doing your day
12 job for the Fed?

13 A. I do not mix those two things.
14 My day job is my day job with the Fed and
15 my work in litigation consulting is
16 separate and distinct.

17 Q. What are your hours at the Fed,
18 what's your workday?

19 A. My workday is sort of 9 to 5 as
20 official schedule. Today, for example, I
21 am on a leave day and I am given quite a
22 few leave days throughout the year that I
23 sometimes take to do this litigation
24 consulting work.

25 Q. Understood. And when you're on a

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2 leave day from your day job at the Fed,
3 are they still paying you for that day?

4 A. Today is actually a paid time off
5 day, so I am being paid by the Fed as paid
6 time off.

7 Q. Are you a salaried employee at
8 the Fed or are you paid hourly?

9 A. I'm a salaried employee at the
10 Fed.

11 Q. What's your annual salary?

12 A. I don't have that at the tip of
13 my fingers. It is I believe in the high
14 200,000 range.

15 Q. So approximately you make about
16 200,000 a year with the Fed; is that
17 right?

18 A. When I say high 200,000 range, I
19 believe it's like 260 something.

20 Q. So 260K a year for your day job,
21 not litigation consulting for the Fed; is
22 that right?

23 A. That is correct.

24 Q. Has your salary been pretty
25 constant? You've been with the Fed since

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2 2012; is that right, Mr. Weiner?

3 A. My salary has increased every
4 year since 2013, when I joined the Fed.

5 Q. I'm sorry, so you joined the Fed
6 in 2013?

7 A. That is correct.

8 Q. And every year since you've
9 joined you've had incremental salary
10 increases; is that right?

11 A. Every year since I have joined I
12 have received an incremental increase to
13 my salary.

14 Q. But as you just told me now, kind
15 of the high end, you're at approximately
16 26,000 a year; fair?

17 A. 260,000.

18 Q. Sorry. \$260,000 a year is your
19 current approximate salary for your day
20 job at the Fed?

21 A. That is correct.

22 Q. You just told us that today
23 you're obviously not at the bank, you are
24 here with us. The Fed is paying you
25 today; right?

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2 A. It is a paid time-off day. I am
3 authorized and given by the Federal
4 Reserve a set of time off that I can use
5 for any personal reason at all. It's
6 not -- I'm not being paid by the Fed to be
7 here today.

8 Q. And Ms. Ellis and plaintiff's
9 counsel, they are also paying you today;
10 is that right?

11 A. I am paid on an hourly basis for
12 the work that I'm doing, yes.

13 Q. And that obviously includes the
14 hours that you spend with me today in this
15 conference room; right?

16 A. That is correct.

17 Q. Okay. For your work at the Fed,
18 are you in an office, do you have
19 work-from-home days? What's the structure
20 of your work environment?

21 A. We have recently returned to full
22 time in the office.

23 Q. You told me before that when you
24 do your litigation consulting work you
25 really try to keep that separate from the

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2 work that you do in your day job at the
3 Fed. Did I get that right?

4 A. Absolutely.

5 Q. Do you ever do any of this
6 litigation consulting work while you were
7 sitting at your desk at the Fed?

8 A. Absolutely not.

9 Q. Okay. So if there are instances
10 where you were working for this case
11 Monday through Friday, 9 to 5, would that
12 be error in your invoice?

13 A. No, I'm pretty familiar with my
14 invoices and I don't remember any times
15 that match those that I didn't take a paid
16 time-off day. But no, my husband's office
17 is about one block from the Fed and if and
18 when I needed to do any work during
19 business hours, I would walk over to my
20 husband's office to take a call if there
21 was a quick one.

22 Q. Would the Fed permit you to do
23 this litigation consulting work at the
24 bank?

25 A. I would not be permitted to do

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this litigation consulting work in the bank.

Q. Did you disclose to the Fed this -- let's talk specifically this case. I know you've done other litigation consulting work. Did you disclose to the Fed the work that you were specifically doing today in this Uber Rideshare litigation matter?

A. So the way it worked with the Fed prior to the last few months, I had to disclose any entity that was paying me and then cases that were specific were not reviewed but in the recent times, they have begun reviewing the specific cases that I've gotten involved with.

Q. Okay, so does that mean they have reviewed this specific case?

A. They have reviewed this specific case.

Q. What information did you tell them about the scope of your retention for this case?

A. They asked exactly three things.

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They asked who the parties were, they asked that I disclose the opinions that I were giving were not related to my work at the Fed so I have to confirm that the work I was doing was not related to my work at the Fed, and I had to disclose the law firms that were involved in this case.

Q. Okay. But you didn't have to tell them the particular subject matter that you were speaking to; right?

A. I had to confirm that it was not related to my day job. They just asked very specifically that I do not testify on monetary policy implementation technology or consumer banking technology as it relates to my day job at the Fed.

Q. Okay. But this was an easy one because what you're talking about today really has nothing to do with your day job at the Fed; fair?

A. That is exactly correct.

Q. We're not here today to talk about anything that has to do with monetary policy or banking or any subject

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2 matter that you've been employed to deal
3 with from 2013 to present; right?

4 A. That is correct.

5 Q. And we're going to talk a little
6 bit about kind of I guess, what, you've
7 been at the Fed 12 years now
8 approximately?

9 A. Approximately.

10 MS. CARITIS: I just want to talk
11 a little bit about the work that you
12 do and are doing at the Fed to get an
13 understanding of your experience.

14 First off, if we could just for
15 the record, I understand, Mr. Weiner,
16 you have a hardcopy of your report in
17 front of you. I do, too. I think it
18 will be easier for us to work here but
19 for the sake of the record I would
20 like to mark as Exhibit 1 Mr. Weiner's
21 expert report dated September 26,
22 2025, and Mr. Delaney, that's tab 1.

23 (Exhibit 1, expert report, marked
24 for identification.)

25 ///

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2 BY MS. CARITIS:

3 Q. Just for the record and so that
4 we're clear, Mr. Weiner, you see on the
5 screen here this is the cover page of the
6 expert report that you submitted on
7 September 26, 2025 in the Uber Rideshare
8 litigation. Do you see that?

9 A. That's correct. That's not
10 incredibly clear but the one in front of
11 me is incredibly clear.

12 Q. Perfect. That's why I think it
13 will be best for us to use the paper copy.
14 I'm sure Ms. Ellis has supplied this for
15 you or can show you at break, but you will
16 also have the ability to download any of
17 the documents that Mr. Delaney projects on
18 the screen if you want to confirm
19 completeness or if it's a document that
20 you don't have in front of you, you need
21 to read a little bit better because my
22 eyeballs can barely see that so feel free
23 anytime to pull it down itself. For
24 purposes of going through your report
25 right now, I'll represent to you that

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2 Exhibit 1 is a full and complete set of
3 what was served to us on September 26,
4 2025, including your exhibits and some of
5 the appendices, so we'll just be referring
6 to Exhibit 1 as the complete set; is that
7 fair?

8 A. That is fair.

9 Q. All right. So I want to turn in
10 your report to your CV. And that's,
11 Mr. Delaney, pdf 135. It's Exhibit A.
12 I'm there. Let me know when you're there.

13 A. Sure. Give me one moment. I
14 have that up in front of me.

15 Q. Great. And it is also on the
16 screen as well.

17 Mr. Weiner, the CV that you
18 included in your expert report, that's an
19 accurate and up-to-date résumé; is that
20 right?

21 A. That is correct.

22 Q. You had an opportunity to review
23 it before you submitted it; right?

24 A. That is correct.

25 Q. Had an opportunity to add any

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2 relevant experience or skills before you
3 submitted it in this litigation; is that
4 fair?

5 A. That is correct.

6 Q. You would agree that it sets out
7 your relevant work experience; right?

8 A. My curriculum vitae is a
9 chronological record of the employment
10 that I have in the past. It is not meant
11 to be a comprehensive document, it is
12 meant to be a chronological record.

13 Q. Okay. So you have laid out your
14 key experiences and skills in your
15 LinkedIn profile; fair?

16 A. Yes, it has experiences at my
17 LinkedIn profile that you took a look at
18 yesterday as I --

19 Q. That's hilarious. I did. You
20 caught me. Thanks LinkedIn.

21 MS. CARITIS: If we could just as
22 Exhibit 2 -- Mr. Delaney it's tab 2,
23 it's the LinkedIn profile.

24 (Exhibit 2, LinkedIn profile,
25 marked for identification.)

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2 BY MS. CARITIS:

3 Q. We might look at some of these
4 together so I want to enter them now. So
5 we'll put up on the screen, Mr. Weiner,
6 for you, your LinkedIn profile. I just
7 want you to confirm that this looks to be
8 your profile and ask you a few questions
9 about it in a bit. Does this look like
10 the LinkedIn profile that you would have
11 put online?

12 A. I've never seen this particular
13 format. If you give me just a second.

14 Q. Sure. And I'll represent to you
15 that when you're on LinkedIn and you click
16 download it creates and generates this
17 format but this was pulled directly from
18 the LinkedIn profile.

19 A. I do believe this is the most
20 current information from LinkedIn from
21 what I'm seeing here.

22 Q. When is the last time you updated
23 your LinkedIn profile?

24 A. I made a small adjustment earlier
25 this week to the summary, which I'm

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1 WEINER

2 looking at and recognizing.

3 Q. Okay, what changes did you make
4 to the summary?

5 A. I added the paragraph in addition
6 to my public sector leadership, I serve as
7 a testifying and consulting expert
8 witness.

9 Q. Let's actually look at that whole
10 sentence you wrote. I serve as
11 a testifying -- sorry about that.

12 I serve as a testifying and
13 consulting expert witness in matters
14 involving software engineering, AI and
15 algorithmic systems, source code analysis,
16 patent and trade secret disputes and
17 complex software project performance.

18 Do you see that?

19 A. I do.

20 Q. And you said that you just
21 updated this section recently; is that
22 right?

23 A. Yes, this case -- just added set
24 of cases to my background and I updated
25 this as well.

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1 WEINER

2 MS. CARITIS: Okay. Where is
3 another -- and we're going to get this
4 into the record so we have it handy.
5 I'm going to enter as Exhibit 3,
6 Mr. Delaney, what we have as tab 3.

7 (Exhibit 3, LinkedIn experience
8 page, marked for identification.)

9 BY MS. CARITIS:

10 Q. And we'll see this in a second,
11 Mr. Weiner. This will probably look more
12 familiar. It's literally a screenshot of
13 your experience section as you identified
14 it on LinkedIn. It's a few pages so
15 Mr. Delaney, if we could just maybe scroll
16 so that Mr. Weiner can take a look and, of
17 course, that will be easier.

18 A. I'm familiar with this. This is
19 familiar to me.

20 Q. Okay, perfect. And you created
21 this LinkedIn experience section; right?

22 A. I created and maintain this
23 LinkedIn experience section, correct.

24 Q. When is the last time you updated
25 or reviewed your experience section on

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1 WEINER

2 LinkedIn?

3 A. There was a change to my title as
4 chief product owner of the markets
5 transformation program is the most recent
6 change that was made to this profile. I
7 recently spoke at a conference in Germany
8 called Sibos 2025 and the ethics
9 department at the Federal Reserve asked me
10 to use my precise title as it exists in
11 the system of record at the Federal
12 Reserve instead of what I had there, which
13 is more of an anecdotal type.

14 Q. Can you see that there, along
15 with your specific titles and dates of
16 employment, there's also various sections
17 throughout your profile where you identify
18 relevant skills. Do you see that?

19 A. I do.

20 Q. You selected those relevant skill
21 sets; is that fair?

22 A. I don't remember how those
23 particular skill sets get selected in
24 particular, no. But I am definitely sure
25 that I have reviewed those.

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1 WEINER

2 Q. No one else did it for you, I
3 guess would be a better word. Perhaps it
4 was automated, but somebody else didn't go
5 in there and suggest that you had skills
6 in IT strategy and e-commerce, for
7 example?

8 A. I believe it pulled those with
9 the help of its own computer systems but
10 yes, I reviewed those.

11 Q. You reviewed them and you agreed
12 that those are the relevant skill sets
13 associated with your past experiences?

14 MS. ELLIS: Objection, form.

15 BY MS. CARITIS:

16 Q. You may answer, Mr. Weiner.

17 A. I agree that they are accurate
18 representations but I will also state in
19 no way, shape or form do I attempt to make
20 any comprehensive record on LinkedIn.

21 Q. The point of LinkedIn, though, is
22 to make it very clear to colleagues or
23 potential employers the key experiences
24 that you've had across your career; right?

25 MS. ELLIS: Objection, form.

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1 WEINER

2 BY MS. CARITIS:

3 Q. You may answer.

4 A. The point of LinkedIn is a tool
5 in social media to share information.

6 Q. Why are you sharing the
7 information?

8 A. I am sharing information on
9 LinkedIn to keep colleagues and friends up
10 to date on the status of my ongoing
11 efforts.

12 Q. And you wouldn't want to
13 misrepresent your experience or your
14 skills to your colleagues and friends;
15 fair?

16 A. I do not believe I have
17 misrepresented my skills on LinkedIn.

18 Q. I'm not suggesting you are. I'm
19 just confirming you wouldn't do that. You
20 want to be accurate and complete in
21 describing your experience on LinkedIn?

22 A. I want to be accurate. I would
23 not agree with the word complete. There
24 is no value or benefit to trying to make
25 LinkedIn a complete record other than when

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1 WEINER

2 attorneys such as yourself want to
3 cross-reference it in depositions to my
4 CV. So I'm careful to make those aligned.

5 Q. We'll look at some other times
6 that you market yourself and see how you
7 describe yourself there, but understood on
8 how you are caveating what you have on
9 LinkedIn today.

10 Let's look back at your CV. So
11 it was in the paper copy so actually -- so
12 Mr. Delaney, we can keep this up here on
13 the screen and we'll take a look at the
14 paper copy of Mr. Weiner's CV.

15 I'd like to start with,
16 Mr. Weiner, you have a summary at the top
17 of your CV and you describe yourself as a
18 technology leader at the Federal Reserve
19 Bank; right?

20 A. That is correct.

21 Q. Fair to lead with the Fed, you've
22 been at the Fed since 2012; right?

23 A. Absolutely.

24 Q. And you then, your first current
25 experience or your only current

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1 WEINER

2 experience, you outline some of the work
3 that you've done at the Fed. Do you see
4 that there on the top kind of first big
5 chunk under current experience?

6 A. That is correct.

7 Q. Okay. We already talked about
8 this but you would agree with me that the
9 work that you do and have done since 2012
10 at the Fed is not related to the work
11 we're doing here today in this litigation;
12 right?

13 MS. ELLIS: Objection, form.

14 THE WITNESS: I think related to
15 is not a word I can agree with. As a
16 technology leader at the New York Fed,
17 I am a student of and I use standards
18 and approaches and methodologies that
19 are not specific to my work at the
20 New York Fed in monetary policy
21 implementation and customer banking,
22 but more generically applied to the
23 technology and product development
24 industries. Those insights that I
25 learn, those conferences that I

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1 WEINER

2 attend, that work that I do is not out
3 of scope of my consideration of the
4 materials in this case by any means.

5 BY MS. CARITIS:

6 Q. You told me before that the only
7 reason the Fed let you testify today was
8 because the scope of your opinion was
9 not -- and I'll use a different word --
10 not directly related to the work you do at
11 the Fed; fair?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: They are very
14 specific and I have a great working
15 relationship with the ethics
16 department and we collaborate quite
17 closely because I've been doing this
18 expert work for 13 years. The
19 specific request from the New York Fed
20 is that I not speak on any topic of
21 monetary policy or customer banking.
22 They are not trying to manage my
23 knowledge in the industry and my
24 expertise, they are trying to ensure I
25 do not disclose any confidential

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1 WEINER

2 information or leverage my work in
3 monetary policy implementation or
4 customer banking outside of my role in
5 the New York Fed.

6 BY MS. CARITIS:

7 Q. Okay. Throughout your blurb
8 related to your work at the Fed, you would
9 agree with me that there is -- the word
10 "safety" is not referenced once; right?

11 MS. ELLIS: Objection. What are
12 you referencing?

13 MS. CARITIS: I'm referencing his
14 CV, the current experience.

15 MS. ELLIS: It's confusing, is
16 there something on the screen or
17 looking at the paper? So can we
18 just --

19 MS. CARITIS: Yep, sure. I said
20 that before.

21 BY MS. CARITIS:

22 Q. Mr. Weiner, to be super clear
23 we're going to look at the paper copy of
24 your CV, that's what I've been discussing
25 now. We have a different document up on

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1 WEINER

2 the screen because we might compare it in
3 a little bit but for now we're going to
4 look at the paper copy of your CV that's
5 in front of you; is that okay?

6 A. Absolutely. This is not -- none
7 of this is intended to be a comprehensive
8 or complete view but yes, the word safety
9 does not appear on the page as it relates.
10 I have elaborated in my report where there
11 are aspects of safety considerations that
12 I made throughout my career, and we can
13 speak to any of those specifically as they
14 appear in my report.

15 Q. Okay. And again, just looking at
16 the CV blurb that you included in your
17 report, your CV, the word risk management
18 is not included in your description of
19 your work at the Federal Reserve Bank of
20 New York, just those words; is that right?

21 A. The title is chief product coder.
22 The word risk management does not appear
23 but I believe if you look at any
24 definition of chief product owner in the
25 public available zone, you'll find that a

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1 WEINER

2 chief product owner must very actively
3 consider risk management in the role of
4 delivering that work.

5 Q. Okay. And the risks that your --
6 to the extent that your job does involve
7 managing risk, you're not managing any
8 sort of risk of bodily safety; is that
9 right?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: In my role at the
12 New York Fed, there's not a particular
13 risk of bodily safety involved in the
14 systems that I develop. (Inaudible)
15 financial crime compliance. Financial
16 crime compliance is a criminal aspect
17 that is considered in the risks that I
18 manage but there's no bodily harm in
19 the risks that I manage.

20 BY MS. CARITIS:

21 Q. So similarly there's no sexual
22 assault or sexual misconduct risk that you
23 particularly are tasked with managing in
24 your role at the Federal Reserve; is that
25 right?

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1 WEINER

2 MS. ELLIS: Objection, form.

3 THE WITNESS: I am not currently
4 considering in the products that I
5 develop a specific risk of sexual
6 assault as it relates to the products
7 that I'm developing. I manage a book
8 of products and a set of risks and I
9 apply industry standards to those
10 risks as I go through the product
11 development lifecycle.

12 BY MS. CARITIS:

13 Q. You would agree that different
14 risks require different responses?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: The way I would
17 state that is that every risk, there's
18 a careful consideration,
19 documentation, analysis and that the
20 exact response to one risk is not the
21 exact response to another risk.

22 BY MS. CARITIS:

23 Q. So in your experience at the Fed,
24 if you're responding to financial crimes,
25 that risk requires a different response

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1 WEINER

2 and analysis than a risk of sexual
3 misconduct; fair?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: It is true that the
6 response to financial crime is
7 different than the response to sexual
8 assault.

9 BY MS. CARITIS:

10 Q. Before you worked at the Federal
11 Reserve, you founded a technology
12 consulting company for loyalty marketing
13 programs and travel-related service
14 organizations; is that right?

15 A. That is correct.

16 Q. Just so we're all on the same
17 page, I'm looking now at the second page
18 of your CV. You note at the top
19 Weiner.net, LLC, you worked there from
20 2008 to 2012; is that right?

21 A. That is correct. The entity
22 Weiner.net, LLC was founded before that
23 but I fully focused my efforts on
24 Weiner.net during that time period.

25 Q. You say that you were focused on

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1 WEINER

2 loyalty and affiliate marketing programs.
3 When you're talking about loyalty
4 programs, those are programs like United's
5 Mileage Plus program, do I have that
6 right?

7 MS. ELLIS: Objection, form.

8 THE WITNESS: United's Mileage
9 Plus program is an example of loyalty
10 program. There are loyalty programs
11 across many industries, like car
12 rental companies, the food service
13 companies have loyalty programs,
14 automobile companies have loyalty
15 programs, they are quite widespread.

16 BY MS. CARITIS:

17 Q. You would agree though that a lot
18 of your career was focused on the loyalty
19 programs for airlines and car rental
20 companies; is that right?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: The
23 characterization of my career that way
24 is something I think I need to just
25 address with a clear clarification and

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1 WEINER

2 that is my career over the 37 years
3 that I've been working has been in
4 product development technology
5 leadership and software engineering,
6 and my opinions, as they have been
7 enumerated in this report, are based
8 on that career. Those industries,
9 product development for technology
10 companies, have common elements that
11 apply universally and as you've seen
12 are documented in certain ISO
13 standards. What I have not done in my
14 time at Weiner.net is the specific
15 work in, say, rideshare that you seem
16 to be referring to.

17 BY MS. CARITIS:

18 Q. Okay, we'll get to all that in a
19 minute. I understand you want to make
20 sure that you can explain how you're
21 qualified. I just want to talk literally
22 about what's in your résumé.

23 A. Okay.

24 Q. So I'm literally looking at the
25 words on your résumé here. So when you're

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1 WEINER

2 at Weiner.net, still at the top of the
3 second page, you identify kind of two
4 bullets that seem to highlight some
5 accomplishments that you're particularly
6 proud of. One, you say the first achieved
7 a 30 percent reduction in infrastructure
8 costs for a client. Do you see that?

9 A. I do see that.

10 Q. Okay. So this project, you were
11 able to save your client a whole lot of
12 money by negotiating, selecting and
13 managing a cyber security agreement; is
14 that right?

15 MS. ELLIS: Objection, form to
16 the extent there is some prefacing of
17 the question there that
18 mischaracterizes it.

19 THE WITNESS: Yes. And again,
20 what you said is not correct. I can
21 read it for you if you'd like.

22 BY MS. CARITIS:

23 Q. Sure.

24 A. It's a 30 percent reduction in
25 infrastructure costs for a client by

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1 WEINER

2 selecting, negotiating and managing a
3 hosting and cyber security agreement for a
4 global set of transactional systems.

5 Q. Got it. So you wanted to
6 emphasize hosting. Why is that, why was
7 hosting important for you to emphasize?

8 A. This was a Cloud endeavor and
9 again shows modern technology becoming
10 part of my day-to-day work.

11 Q. The modern technology, this was
12 in 2012; right?

13 A. The technology was becoming much
14 more popular in 2008 to 2012, yes.

15 Q. Here again you've got Weiner.net
16 your experience that predated the Federal
17 Reserve. Just in this blurb, the words on
18 the page, I don't see the word safety
19 anywhere; is that right?

20 A. While the word safety does not
21 appear on the page, as the chief
22 information officer for three start-ups,
23 there are times when all sorts of risks
24 need to be considered in the product
25 development lifecycle, some of which, one

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2 in particular, had a safety aspect to it.

3 Q. We'll talk about that in a minute
4 but in your résumé, instead of
5 highlighting any sort of safety win, you
6 noted a 30 percent reduction in
7 infrastructure costs; is that fair?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: That's exactly what
10 it says on the page in bullet one,
11 that I achieved a 30 percent reduction
12 in infrastructure costs.

13 BY MS. CARITIS:

14 Q. Okay. You here noted that you
15 served as a launch CIO. That's a chief
16 information officer; is that right,
17 Mr. Weiner?

18 A. That refers specifically to a
19 chief information officer.

20 Q. Okay, and you noted for three
21 start-ups. I've seen some references to
22 those start-ups but what were the three
23 start-ups that you're referring to in that
24 second bullet there?

25 A. Those were confidential client

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1 WEINER

2 relationships. I can talk in a general
3 way about the work that I did but I cannot
4 disclose the clients due to
5 confidentiality agreements.

6 Q. Okay, those confidentiality
7 agreement are still in place despite these
8 engagements being over a decade old?

9 A. I believe you're familiar with
10 ethics and consulting in management
11 consulting. My clients' agreements did
12 not have a particular end date to them.
13 They were meant for me to keep
14 confidential the relationships that I had
15 during all of my consulting career.

16 Q. Are those three start-ups still
17 active today?

18 MS. ELLIS: Objection, form.

19 THE WITNESS: None of those
20 current start-ups are currently active
21 start-ups.

22 BY MS. CARITIS:

23 Q. But it's still your position you
24 can't tell me who they are?

25 A. I cannot disclose the clients

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2 that hired me for those start-ups. I can
3 talk in a general way about the work that
4 I did as it's relevant to the
5 consideration of my expertise in this
6 case.

7 Q. Okay. I actually don't want you
8 to caveat it to why it's relevant to the
9 expertise in this case, I just want
10 understand what you can tell me about
11 these three start-ups. So what was the
12 sector of the three start-ups?

13 A. One of the start-ups was in the
14 travel and loyalty sector. One was in the
15 financial services sector. And one was a
16 recording business that was meant to
17 stream video.

18 Q. We're going to talk about each of
19 those but for the recording business that
20 was meant to stream video, does that mean
21 it was able to stream video or it was
22 trying to stream video and wasn't able to
23 achieve that?

24 A. We were successfully able to
25 achieve streaming video but as I

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2 mentioned, that business is not in
3 existence today.

4 Q. Where were you streaming video
5 from?

6 A. We were streaming video from
7 servers that we had in a hosting facility
8 in New York City to consumers around the
9 world.

10 Q. What sort of video were you
11 streaming?

12 A. These were recorded videos that
13 were published for the sake of being
14 streamed.

15 Q. Were they for entertainment
16 purposes?

17 A. The primary purpose can be
18 characterized as entertainment or
19 learning.

20 Q. It wasn't live streaming, those
21 were prerecorded videos that were stored
22 somewhere and then streamed to an audience
23 elsewhere?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: These were videos

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1 WEINER

2 that were recorded, saved, transcoded
3 and streamed specifically.

4 BY MS. CARITIS:

5 Q. How -- what was the volume, how
6 many videos are we talking that were
7 stored and streamed?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: I'm thinking if I
10 know that number. If I recollect
11 clearly there were a number of
12 hundreds of videos that were recorded
13 and streamed during the time of this
14 start-up.

15 BY MS. CARITIS:

16 Q. How long -- you said this
17 start-up that you're referring to is no
18 longer in business. How long was it in
19 business?

20 A. If my recollection is clear, I
21 would estimate three years.

22 Q. And what specifically did you do
23 to assist in the launch of this recording
24 business?

25 A. I was the chief information

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2 officer. My responsibility was standing
3 up the technology. That technology ranged
4 from office technology, like phone systems
5 and computers, to building relationships
6 with software developers who wrote the
7 software that captured the video and
8 streamed the video on media servers. The
9 hosting company that housed the servers,
10 the technology providers that provided
11 desktop support to both the users of the
12 service as well as the employees of the
13 company, and I managed and hired the
14 entire technology team that went to
15 continue on after I left my role as the
16 start-up CIO.

17 Q. How long were you in the role as
18 the start-up CIO?

19 A. I believe 14 months is the time I
20 was the start-up CIO of that particular
21 entity.

22 Q. How many employees did that
23 start-up employ?

24 A. In terms of direct employees, the
25 time that I was there on the technology

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2 side, I hired a little less than 20
3 employees. In terms of the customer
4 service team, that was considerably larger
5 and I don't recall the exact number of
6 those employees.

7 Q. You mentioned that one of the
8 things that you did as the start-up CIO
9 was you coordinated with the software
10 developers; is that right?

11 A. I selected, hired, wrote
12 requirement for, project managed and
13 oversaw the delivery of the software
14 development team.

15 Q. You did not write the software;
16 fair?

17 A. In that particular case I did not
18 write the software, that is an accurate
19 representation.

20 Q. So the other few start-ups that
21 you told me you were referencing in this
22 bullet here under Weiner.net, LLC was a
23 travel and loyalty start-up company. What
24 did that company do?

25 A. That company served as an online

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2 travel agency.

3 Q. So that means that I could go to
4 their website and get their help in
5 booking my travel; is that fair?

6 A. That is one of the specific
7 things that company did offer, yes.

8 Q. Okay. Did -- what did you do
9 specifically for that company, the travel
10 and loyalty company?

11 A. As with the other company I
12 described, as the launch CIO I was the
13 first technology leader hired by that
14 company. I had the responsibility for
15 setting up all of the infrastructure which
16 involved selecting phone systems and phone
17 routing systems and mobile technology. I
18 had the responsibility for securing,
19 educating, writing the requirements for
20 project managing, problem serving, the
21 software development. I had to negotiate
22 with global distribution systems, systems
23 like Sabre, Amadeus, for the sake of
24 getting access to the global distribution
25 system network for booking travel. I had

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2 to engage an outsourced company for the
3 sake of being the call center and I had to
4 make sure that all reporting and financial
5 systems had integrity and were auditable.

6 Q. When you say you were reporting,
7 did this travel company have any sort of
8 safety hotline?

9 MS. ELLIS: Objection, form.

10 THE WITNESS: This travel company
11 within themselves did not have a
12 safety hotline. They did sell
13 insurance, specifically travel
14 insurance, which protected travelers
15 from medical risks when they were
16 abroad.

17 BY MS. CARITIS:

18 Q. Did you ever tell this company
19 that you were consulting that they should
20 put in place a reporting structure so that
21 individuals that are using their service
22 if they are sexual assaulted on a trip
23 they have some way to report that assault?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: The specific answer

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to your question is that I did not
ever tell that insurance company they
should set up a sexual assault
reporting system for travelers that
were using our insurance policy, no, I
did not.

BY MS. CARITIS:

Q. Just to be clear, when you said a
travel loyalty program, was that an
insurance company or a travel agency?

A. I was at the travel agency. They
hired an insurance company. The insurance
company protected the travelers and in the
specific answer to your question, I did
not coach or guide that insurance company
in setting up a sexual assault hotline or
reporting scheme.

Q. I was asking a different
question. Did you counsel the travel
agency to set up any sort of sexual
assault, sexual misconduct reporting
structure?

A. I --

MS. ELLIS: Objection, form.

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2 THE WITNESS: I apologize if I
3 misheard your question. Now that I
4 understand it, you're specifically
5 asking if the travel agency set up a
6 hotline for reporting sexual assault
7 and the answer to that question
8 continues to be that we did not take
9 that action during that start-up.

10 BY MS. CARITIS:

11 Q. And there was -- you didn't
12 counsel them to include any sort of
13 mechanism or way for an individual
14 utilizing their travel agency to report an
15 instance of sexual misconduct; fair?

16 MS. ELLIS: Objection to form.

17 THE WITNESS: I supported a quite
18 extensive feedback system that was
19 made available to the users of the
20 travel agency that had open-ended
21 feedback available to them during that
22 time that I set it up and in the years
23 that followed.

24 BY MS. CARITIS:

25 Q. You did not anywhere, though,

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2 require or recommend that the travel
3 agency explicitly include reporting
4 mechanisms for sexual misconduct, yes or
5 no, Mr. Weiner?

6 MS. ELLIS: Objection to form.

7 THE WITNESS: Sexual misconduct
8 was not a risk that we were
9 considering in the formation of that
10 travel agency, is the specific answer
11 to your question.

12 BY MS. CARITIS:

13 Q. Okay. So sexual assault, sexual
14 misconduct wasn't a risk that you took
15 into account when advising the travel
16 agency; fair?

17 MS. ELLIS: Object to form.

18 THE WITNESS: It is accurate to
19 say that we did not consider sexual
20 assault or sexual misconduct a
21 foreseeable risk for this particular
22 travel agency, that is a very accurate
23 statement.

24 BY MS. CARITIS:

25 Q. Did the travel agency connect

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2 people or book people on cruises?

3 A. Give me one moment while I try to
4 remember.

5 Q. You're having to go back, I
6 understand.

7 A. Cruise booking was available on
8 the travel agency.

9 Q. You're aware that there are
10 reported incidents of sexual misconduct
11 that occur on cruises; right?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: I am not personally
14 aware of reports of sexual assault on
15 cruises. I have not seen an article
16 to that effect.

17 BY MS. CARITIS:

18 Q. When you were consulting with the
19 travel agency, you didn't look into the
20 risks of sexual assault on cruises, for
21 example?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: As I've described,
24 the goal of a product development
25 executive is to consider the risks to

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2 their users and the use case of the
3 product was to book the travel. We
4 applied insurance for the sake of
5 protecting travelers on their travel.
6 We did not have a product that
7 specifically looked to their safety on
8 that travel. Yes, that is a fair
9 statement.

10 BY MS. CARITIS:

11 Q. You would agree that the general
12 premise of a travel agency is that it
13 connects an individual with the trip?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: Our goal as travel
16 agency was to make available travel
17 options that travelers could book.

18 BY MS. CARITIS:

19 Q. And you -- the travel agency, in
20 fact, booked those options for the
21 individual utilizing the travel agency
22 services?

23 A. The travel agency booked those
24 trips for the travelers, facilitated the
25 financial transaction and made the

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2 arrangements.

3 Q. So we've talked about two of the
4 start-ups that you mentioned during your
5 time at Weiner.net from 2008 to 2012. The
6 second one, the one that's left to talk
7 about is related to financial services.
8 What was that start-up doing?

9 A. The goal of that start-up, which
10 was for a global brand, was to create an
11 online institution that could collect
12 deposits and pay high yields.

13 Q. I am not a finance person so can
14 you explain to me a little more like
15 practically if I was trying to utilize the
16 services offered by the financial services
17 start-up what I would do?

18 A. Sure. I can provide a recent
19 example that might be helpful. You have
20 an iPhone, I would presume. On that
21 iPhone you can have an Apple card. Apple
22 card has a high yield savings account
23 associated with the Apple card where when
24 you spend that money that is reported to
25 you goes into this high-yield savings

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2 account or you could move money into your
3 high-yield savings account. That money
4 earns a high rate of interest and you are
5 paid that interest in that high-yield
6 savings account and then you can use that
7 money for any purpose that you like.

8 Q. Understood. Aside from those
9 three start-ups that we just discussed,
10 the travel agency, the financial services
11 organization and the recording business,
12 were there any other clients that you
13 worked with from 2008 to 2012 through
14 Weiner.net?

15 A. There were quite a few other
16 clients that I worked with during that
17 time period, mostly in the travel and
18 financial services industries.

19 MS. ELLIS: Counsel, we're coming
20 up on an hour.

21 MS. CARITIS: That's perfect.
22 Why don't we go off the record.

23 THE VIDEOGRAPHER: We're going
24 off the record. This is the end of
25 media unit 1. The time is 10:04.

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2 (Recess taken from 10:04 a.m. to
3 10:15 a.m.)

4 THE VIDEOGRAPHER: We are back on
5 the record. This is the beginning of
6 media unit 2. The time is 10:15.

7 BY MS. CARITIS:

8 Q. Mr. Weiner, before we took a
9 short break we were discussing the work
10 that you did back in the 2008 to 2012 time
11 frame during your consulting work at
12 Weiner.net. Do you recall that?

13 A. Absolutely.

14 Q. And we've been looking at a
15 variety of documents that explain your
16 relevant experience. We were just looking
17 at your CV and now I'm going to refer to a
18 paragraph in your report that we've marked
19 as Exhibit 1. I just want to quickly ask
20 you a few questions about paragraph 15 on
21 page 6 of your expert report.

22 A. Paragraph 15, one second. Yes.

23 Q. Okay. And I just want to confirm
24 a few things here. So in this paragraph,
25 you note that during your time at

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2 Weiner.net you helped develop applications
3 that were included when the Apple app
4 store and the Android market launched in
5 2008. Do you see where you wrote that?

6 A. Absolutely.

7 Q. Have you developed any apps for
8 the Fed?

9 A. Give me one second.

10 MS. ELLIS: Objection to form.

11 To the extent you can talk about it.

12 THE WITNESS: I'm just trying to
13 think if there's anything that is not
14 confidential that I can disclose.

15 For the New York Fed I have not
16 developed any apps. I have worked on
17 apps over the last 13 years in my
18 personal capacity.

19 BY MS. CARITIS:

20 Q. Okay. You said you worked on
21 apps. When's the last time that you
22 developed an app that was included in the
23 app store either on the Android platform
24 or the Apple platform?

25 A. There is a team in India working

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2 for me now.

3 Q. Okay. What do you mean by that?

4 Are you -- do you currently have a
5 consulting business outside of your work
6 for the Fed and outside of your expert
7 consulting firm?

8 A. I am a board member of a
9 not-for-profit that is building an app.

10 Q. What is that?

11 A. The app is a tool for members of
12 a recovery program to hear prerecorded
13 streaming audio, to look for meetings in
14 that recovery program, and to keep a
15 calendar of meetings around the country.

16 Q. Okay. You said you're working
17 with a team in India. What are you
18 specifically doing to develop the
19 application that you just identified for
20 me?

21 A. As the board member with the most
22 experience in app development, they are
23 leveraging that experience to help define
24 the requirements, problem manage and
25 problem solve as issues or blockers arise.

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2 Q. And sorry if I missed this, you
3 said the application were for folks in a
4 recovery program; is that right?

5 A. That is correct.

6 Q. Are they individuals that are
7 working through substance abuse, what sort
8 of recovery program?

9 A. It's a substance abuse program,
10 yes.

11 Q. What are some risks associated
12 with the application that you're
13 developing for the folks in a substance
14 abuse program?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: So the risks that
17 we consider in this particular app
18 which job is to provide streaming
19 audio and a calendar of events are
20 mostly risks around operationalization
21 and continuous availability and the
22 kind of risks that you have with any
23 app to make sure it's generally
24 available and working well.

25 ///

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2 BY MS. CARITIS:

3 Q. So the risks that you as a board
4 member asked the product development team
5 to consider were related to operational
6 challenges with the app; is that right?

7 MS. ELLIS: Objection, form.

8 THE WITNESS: The primary risks
9 that I'm considering in that
10 particular app are operational in
11 nature. That is a fair
12 characterization of what I just said,
13 yes.

14 BY MS. CARITIS:

15 Q. Fair to say that many -- that
16 every app is going to have operational
17 risks and challenges?

18 A. I would both agree with that and
19 highlight that every app is going to have
20 risks. It is part of product development
21 to manage risks. Many of them are
22 operational in nature.

23 Q. When you said that the app that
24 you're working, you're overseeing as a
25 board member is related to providing

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2 access for videos for folks in the
3 recovery program; is that right?

4 A. Sorry that was not clear; it's
5 audio recordings.

6 Q. I could have missed that. Thank
7 you for clarifying.

8 What sort of operational
9 challenges has your team had to work
10 through concerning the availability of
11 audio recordings on an app?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: Because we are on
14 the iPhone and Android marketplace, we
15 make sure to do broad testing with
16 simulators and physical devices where
17 available through alpha and beta
18 programs to ensure the audio streaming
19 was of quality and was useful for the
20 audience.

21 BY MS. CARITIS:

22 Q. How many individuals are
23 currently -- is the app out in the wild or
24 is it still in development?

25 A. The app is in beta testing.

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2 Q. And for those of us that aren't
3 in product development world, what is beta
4 testing mean, is that like second phase of
5 a pilot program?

6 A. It is fair to characterize it as
7 the second phase of a pilot program. The
8 specific things that I would refer to in
9 this model are an alpha testing, a beta
10 testing and then a full launch.

11 Q. When did you all start the alpha
12 testing?

13 A. We started the alpha testing a
14 little less than a year ago.

15 Q. When did this idea, the first
16 idea for this app come to be?

17 A. This --

18 MS. ELLIS: Objection, form. Go
19 ahead.

20 THE WITNESS: Sure. This app
21 first came into conceptualization a
22 number of years ago.

23 BY MS. CARITIS:

24 Q. About how many, two, five, what's
25 your guess?

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2 A. I'm trying to remember.

3 MS. ELLIS: Objection, form.

4 THE WITNESS: I'm going to say
5 between two and three.

6 BY MS. CARITIS:

7 Q. Okay. So were you on the board
8 at this time?

9 A. I was on the board at this time.

10 Q. So as a board member you were
11 presented with an idea to develop an
12 application that allowed for individuals
13 in a recovery program to have access to
14 audio recordings to assist in their
15 recovery; is that right?

16 A. Exactly correct.

17 Q. And after kind of the product was
18 thought of, the next step you went into
19 some alpha testing; is that right?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: No, I'm sorry. Let
22 me clarify. I didn't mean to give
23 that impression. Our first step as a
24 not-for-profit was to raise the funds
25 to make it possible. The second step

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2 was to find and secure a development
3 shop. The third step was to build the
4 app. And the fourth step was to begin
5 testing in an alpha mode. So there
6 were four steps in total before the
7 alpha.

8 BY MS. CARITIS:

9 Q. Got it. When did you start the
10 first testing, the alpha mode?

11 A. The first testing was roughly a
12 year ago.

13 Q. So fair to say it took about a
14 year, maybe, to go from thinking of the
15 idea to getting ready for alpha testing?

16 MS. ELLIS: Objection, form.

17 THE WITNESS: With the funding
18 available to this team and the
19 resources that were able to be applied
20 to it, it is accurate to say it took
21 about a year to go from real
22 requirements throughout the testing.

23 BY MS. CARITIS:

24 Q. In the alpha testing phase, what
25 did that entail; were there a certain

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2 amount of individuals that were given
3 access, how did you guys develop or set up
4 that initial testing program?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: The alpha testing
7 program leveraged the Apple App Store
8 and the Android Play Store features
9 which allowed for distribution to
10 pre-authorized individuals. So we
11 solicited volunteers, added them to
12 the Apple App Store and Android store
13 and made the app available to them
14 where they could then make screenshots
15 and videos available through the Apple
16 App Store and the Android Play Store
17 back to the Indian development shop.

18 BY MS. CARITIS:

19 Q. How many individuals were
20 involved in that kind of pre-approved
21 group?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: We have between 20
24 and 30 in the Apple App Store and a
25 few less in the Android -- in the

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2 Google Play Store.

3 BY MS. CARITIS:

4 Q. These volunteers, were these
5 people that were actually in the substance
6 abuse program or were they volunteers that
7 were just kind of helping out?

8 A. I believe all of them were in the
9 program.

10 Q. How did you decide which
11 individuals got access to the program
12 initially and how many had to wait?

13 MS. ELLIS: Objection, form.

14 THE WITNESS: We selected -- let
15 me answer it this way. I've been
16 doing product development now for 37
17 years. When you do an alpha it's
18 really important to get a certain
19 character of person, a person that's
20 going to give you detailed testing,
21 thorough analysis, and not get freaked
22 out by the obvious problems that occur
23 in alpha testing. And so I used
24 judgment along with the team to select
25 the individuals for the alpha testing.

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2 BY MS. CARITIS:

3 Q. Okay. So you certainly can't
4 release an alpha test to the entire
5 broader population, you need to be a
6 little more narrow; fair?

7 A. We made specific choices on each
8 individual that joined the alpha test.

9 Q. Okay. You said something about
10 the alpha testing. You said that the
11 folks were able to access some videos and
12 take screenshots and then give them to the
13 folks in India. Can you explain how that
14 worked, the interplay between the testers
15 and the developers in India?

16 A. Sure. Both the Apple App Store
17 and the Google Play Store provide a
18 feature where you can so-called report a
19 bug, and that report a bug feature allows
20 you to take screenshots or select videos
21 that get reported to the development
22 organization.

23 Q. Understood. So the alpha testing
24 was a way for folks to uncover and
25 identify bugs and pass on any of those

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2 bugs to the developers that could fix them
3 in the next iteration?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: The specific
6 purpose of the alpha testing was to
7 find bugs, report them to the
8 developers and get them fixed so that
9 the beta experience was smoother.

10 Yes, that is a very good distinction.

11 BY MS. CARITIS:

12 Q. When did the beta experience
13 start? So we had about a year between
14 product conceptualization and alpha test.
15 How long did you alpha test before you
16 moved to the beta test?

17 A. The alpha test was quite short
18 because the product was in quite good
19 shape. I believe the total alpha test was
20 about four months.

21 Q. And the beta test, was that
22 released to the general population or was
23 it a smaller selected group?

24 A. The beta test has been put on the
25 App Store and is available for download if

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2 you know about it and have the link. Yes,
3 that is available for beta population.

4 Q. How many folks have access to the
5 application at this time?

6 A. It's in the low few hundreds.

7 Q. How many audio recordings are
8 available on the application at this time?

9 A. I believe it's less than 200.

10 Q. Do individuals, can they stream
11 from the cellular LTE network, do they
12 need Wi-Fi, how does it work?

13 A. They use all of the features of
14 iPhone and Android, which includes
15 streaming over cellular or streaming on
16 Wi-Fi.

17 Q. I assume when your product
18 development team was putting this app
19 together they had to consider some local
20 or national laws, for instance copyright;
21 is that fair?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: The organization
24 has a legal team that supports them
25 with consideration of laws and

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2 regulations such that they remain
3 compliant in the global scene.

4 BY MS. CARITIS:

5 Q. And one of the ways I can think
6 of is you need to make sure the audio
7 recordings you're putting on the app are
8 allowed to be shared with the broader
9 population; right?

10 A. Absolutely. That is an accurate
11 statement.

12 Q. You mentioned that some of the
13 key risks that you as a board member
14 counseled this nonprofit to consider were
15 mostly operational. Were there any risks
16 that you considered concerning bodily
17 safety of the individuals that were in the
18 substance abuse community?

19 MS. ELLIS: Objection, form.

20 THE WITNESS: I believe it's fair
21 to say that when you're considering a
22 recovery community, the considerations
23 of harm are relevant. We considered
24 whether or not certain content might
25 be triggering or might in another way,

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2 shape or form do harm to the
3 individuals as we did the product
4 development lifecycle, yes.

5 BY MS. CARITIS:

6 Q. Did you include a button on the
7 app that if an individual is having a
8 trigger event they could immediately
9 contact 911?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: I don't think I've
12 been clear on the scope of the
13 application. The contacting of 911
14 for being triggered is not included in
15 the app. The app has a way to contact
16 the support team and we do encourage
17 the individuals to contact their
18 sponsors.

19 BY MS. CARITIS:

20 Q. You said there's a way to contact
21 a support team. Would that be for in-app
22 technical support?

23 A. We encourage folks to reach out
24 to us with anything from in-app technical
25 support, the thought that certain content

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2 might be triggering, the thought that they
3 might want to add a feature, there's a
4 broad statement about our availability as
5 a support team to give input.

6 Q. Does the support team have
7 resources to provide back to an individual
8 if they reach out and say this video is
9 very triggering, I'm in need of immediate
10 assistance?

11 A. I am quite aware that every
12 member of the support team, as are the
13 members of the program, if someone is
14 saying they are in immediate need of
15 assistance, we'll suggest first that they
16 speak about what they are dealing with
17 with their sponsor and if not, seek
18 professional help, either by going to an
19 emergency room or reaching out over 911.

20 Q. How does the app allow users to
21 contact the support team; is there a phone
22 number, a chat feature, how can people
23 contact support?

24 A. There is a phone number and an
25 e-mail option.

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2 Q. Okay. So if I view a video and
3 it's triggering and I'm having an
4 emergency, I'm going to have to call in
5 from a phone number provided or e-mail; is
6 that fair?

7 MS. ELLIS: Objection, form.

8 THE WITNESS: This particular app
9 has those two features, that is an
10 accurate representation.

11 BY MS. CARITIS:

12 Q. Is the phone line, is it a
13 hotline, a call center or is it a phone
14 line kind of to the nonprofit, I'm going
15 to call it the receptionist?

16 A. The phone line is a hotline
17 staffed by volunteers across the country
18 who attempt to make the phones available
19 24 hours a day, seven days a week by the
20 phone number being forwarded to their
21 individual phones.

22 Q. I should have asked you, what's
23 the name of the nonprofit?

24 A. Crystal Meth Anonymous.

25 Q. What's that app called?

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2 A. CMA app.

3 Q. Makes it easy. When does -- I
4 believe you told me it's currently still
5 in beta testing?

6 A. The app developer is actually
7 presenting at the national conference in a
8 couple weeks, a recommendation based on
9 the beta feedback to do an overhaul.

10 Q. An overhaul means to kind of fix
11 some things; is that right?

12 A. The app developer is recommending
13 to rebuild the app with some more modern
14 features, yes.

15 Q. So does that mean it will go back
16 to alpha testing, how does that work?

17 A. Once the app is rebuilt it will
18 go back to alpha testing.

19 Q. Has the team provided an estimate
20 on how long it will take to rebuild?

21 A. I'm actually waiting for that
22 ahead of the conference to give a written
23 proposal. The app development lead texted
24 me just two days ago that he owes me a
25 project plan.

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2 Q. What are the ones that were
3 identified that require the total rebuild
4 on the app?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: There were some
7 technical features that were not
8 implemented, in my opinion, in the
9 smoothest way.

10 BY MS. CARITIS:

11 Q. Such as what?

12 A. We are talking about a global
13 organization that has meetings around the
14 world. The implementation of time zones
15 is something I would like to see improved.

16 Q. Okay, so do you have a goal for
17 when the app will actually be publicly
18 released more broadly?

19 A. I have a goal that the app is
20 good and stable and ready for a public
21 release. As a product development
22 executive working for a not-for-profit,
23 our goals are not timeline related, they
24 are creating the best product for the
25 group.

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2 Q. And you would agree that every
3 product development timeline acknowledges
4 the importance of iterating?

5 A. Absolutely, iterating is very
6 important in the product development
7 lifecycle.

8 Q. This is a silly question but
9 someone told me about it before, it's
10 called a product development lifecycle
11 because it's a circle, right, it's
12 continuous improvement; is that fair?

13 A. The best product development
14 lifecycles iterate constantly. They
15 begin, they develop, they get things in
16 users' hands, they get feedback, they
17 adjust and they continue through that
18 cycle over and over to make the best
19 possible products.

20 Q. In your work you said you're on
21 the board of -- I'm sorry, can you give me
22 the name again of the organization that
23 you're on the board of that you're helping
24 with this application?

25 A. Of course, it's Crystal Meth

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2 Anonymous.

3 Q. And during your time on the board
4 of Crystal Meth Anonymous, are you aware
5 that -- did you become aware that
6 substance abuser -- people that have
7 substance abuse challenges may also
8 experience unfortunately sexual misconduct
9 or sexual violence?

10 A. It is known to me that people in
11 recovery programs have a foreseeable risk
12 during their using phase of sexual
13 violence, yes, I am aware of that
14 foreseeable risk.

15 Q. Have you at any time recommended
16 to the organization, the nonprofit Crystal
17 Meth Anonymous, that it make any sort of
18 rule -- make any sort of recommendation
19 that individuals in the recovery program
20 not utilize the Uber platform?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: At no time have I
23 discussed with anyone in the
24 organization a recommendation that
25 they do not use the Uber platform.

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2 BY MS. CARITIS:

3 Q. Okay. So we were talking about
4 apps and you gave me a lot of helpful
5 information about an app that you've been
6 working with a nonprofit on for a few
7 years now that's going back to alpha
8 testing. Are there any other apps that
9 you've worked on developing since 2008?

10 MS. ELLIS: Objection, form. To
11 the extent you can disclose.

12 THE WITNESS: I'm thinking about
13 confidential relationships, if you
14 could give me one second, Counselor.

15 BY MS. CARITIS:

16 Q. I don't need to even know the
17 name, right, it can be a yes or no at
18 first. So first off, without disclosing
19 details about the particular application,
20 aside from the Crystal Meth Anonymous
21 application that we just discussed, yes or
22 no, have you ever developed another
23 application since 2008?

24 A. I have helped develop other
25 applications since 2008 in a unpaid

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capacity. I have not been engaged or employed during that time period to build another app.

Q. I want to make sure I heard you correctly. You said that since 2008 you've assisted developing apps in an unpaid capacity but you have not -- is that what you said, but you have not developed an app in a paid capacity; is that what you just testified to? I just couldn't hear you.

A. I'm sorry, I didn't hear you say 2008. Let me be more specific.

Since working at the New York Fed, which governs my outside activities, I have not been paid or entered into any sort of contract to work on an app in a paid capacity.

Q. You have, though, worked in unpaid capacities to assist with app development since 2008; is that what you're saying?

A. I do have friends in the app development business who have consulted me

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2 from time to time on development of apps,
3 absolutely. I'm very current in my
4 understanding of the app development
5 lifecycle.

6 Q. Have you personally developed an
7 application since 2008 aside from the work
8 that you did on the Crystal Meth Anonymous
9 application?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: You keep jumping
12 between 2008 and 2013, Counselor.
13 2013 is when I started with the Fed,
14 2008 we were talking about apps I
15 worked on in a paid capacity at
16 Weiner.net. So what I'm trying to
17 answer is in my time at the New York
18 Fed I have not had any outside
19 engagements other than my board
20 position, which like my work today, is
21 approved by the New York Fed that was
22 done in a paid capacity. The board
23 position is a position approved by the
24 New York Fed as an unpaid board
25 member.

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2 BY MS. CARITIS:

3 Q. Got it. I was confusing myself
4 so thank you for clarifying for me. So
5 let me be clear about my time frame. So
6 from -- let's see if I can get it this
7 time. From 2008 to 2012, what apps did
8 you develop in a paid capacity?

9 MS. ELLIS: Objection to form.

10 THE WITNESS: So we've talked
11 about a few. I don't believe we've
12 talked about work that I did in
13 financial services supporting a ATM
14 provider and I don't believe we've
15 talked about work that I did related
16 to payment methods over apps.

17 BY MS. CARITIS:

18 Q. Okay. Well, let's talk about
19 those. Were those in the 2008 to 2012
20 time period or earlier? I know in your
21 report you talk about some work you did
22 with ATMs earlier in your career.

23 A. I did work with ATMs much earlier
24 in my career and I did work with ATMs in
25 the 2008 to 2012 time frame that I was

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2 engaged with Weiner.net. I have
3 colleagues who I've been working with for
4 many, many years in the ATM business.

5 Q. Okay. And was that an app you
6 developed?

7 A. They had an app that communicated
8 with their ATM. It was a whole suite of
9 products and services but there was an app
10 that was part of that suite.

11 Q. And what was your role in that
12 engagement?

13 A. I was a management consulting and
14 advisor. I helped advise on requirements.
15 I helped in stand-up meetings where
16 blockers were identified. I did what I've
17 been doing for my whole career, which is
18 make sure the process moves along in an
19 effective manner.

20 Q. Okay. And what exactly did the
21 app that you're referring to for the
22 financial services company do?

23 A. This financial servicing company
24 was experimenting with their banking app,
25 being able to communicate with an ATM for

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2 the sake of doing a withdrawal.

3 Q. Did the app do anything else?

4 A. The app supported basic banking
5 features like checking your checking
6 account, transferring money, it was a
7 pretty comprehensive app as it related to
8 the banking space.

9 Q. Any other apps between 2008 to
10 2012?

11 A. I believe we've now disclosed and
12 discussed all the apps I worked on during
13 that time frame.

14 Q. Okay. None of the apps that you
15 personally worked on, so I'm putting aside
16 those where you have friends that might
17 have asked you some questions in an unpaid
18 capacity, none of those apps considered
19 personal safety; is that right?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: Are we continuing
22 to talk about sexual assault or
23 personal safety in a broader context?

24 BY MS. CARITIS:

25 Q. Let's say broad first and then

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2 we'll go more narrow. So the apps that we
3 just discussed, those apps did not relate
4 to personal safety in the broadest
5 definition of that term?

6 MS. ELLIS: Objection, form.

7 THE WITNESS: I personally would
8 consider a person in recovery being
9 triggered in the realm of personal
10 safety in its broadest description.
11 So I would have to answer that
12 question with a no.

13 BY MS. CARITIS:

14 Q. So the one app experience that
15 you identified that relates to personal
16 safety is the one we discussed in detail
17 for Crystal Meth Anonymous where you're a
18 board member and you're consulting them on
19 a product that is still in testing phases
20 to provide some audio recordings to
21 patients in a recovery program; right?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: That is
24 specifically the app that I am
25 referring to that did have to consider

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2 what I would call a personal safety
3 risk in the broad set of risks that
4 are considered in the product
5 development lifecycle.

6 BY MS. CARITIS:

7 Q. Okay. And we've already talked
8 about the safety features that that app
9 did and did not incorporate; right?

10 A. It's fair to say we talked about
11 those in detail.

12 Q. Okay. Aside from your board work
13 for Crystal Meth Anonymous, no other apps
14 that you've been paid to develop or
15 consult for related to personal safety; is
16 that right?

17 A. As it relates to mobile apps,
18 that is a fair statement.

19 Q. You qualified by saying mobile
20 apps. Are you referring to software
21 applications that might appear on
22 computers, is that why you're caveating
23 with mobile?

24 A. I am caveating on mobile because
25 as we discussed in my role at the Federal

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2 Reserve, we have talked about financial
3 crime risk and in the broadest sense,
4 financial crime risk in my opinion does
5 include some aspects of safety.

6 Q. Does the Federal Reserve have, in
7 the technological system that you've
8 utilized have any sort of reporting
9 mechanism that allows somebody to report
10 that they've been physically assaulted or
11 in any way attacked?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: The banking and
14 monetary policy implementation systems
15 that I manage, which are the only ones
16 I can speak to, do not have a method
17 to report being attacked.

18 BY MS. CARITIS:

19 Q. Do they have a method for
20 reporting anything related to bodily
21 safety?

22 MS. ELLIS: Objection, form. To
23 the extent you can speak to any of
24 this, you can answer but I don't want
25 to delve into anything that violates

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2 your agreement with your employer.

3 THE WITNESS: Of course. I think
4 it's fair to say if we caveat the term
5 bodily safety, I can competently say
6 none of the systems I manage at the
7 Federal Reserve consider a risk of
8 bodily safety.

9 BY MS. CARITIS:

10 Q. The only risk that you've
11 identified would be being a victim of a
12 financial crime; right?

13 A. I have identified a safety risk
14 of being a victim of a financial crime.

15 Q. That would be somebody, like,
16 stealing money; right?

17 MS. ELLIS: Objection, form.

18 THE WITNESS: Financial crimes
19 are quite a bit broader than that.
20 They involve terrorist financing, anti
21 money laundering, stealing money,
22 there are quite a number of aspects to
23 financial crime complaints.

24 BY MS. CARITIS:

25 Q. But they are financial related;

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2 right?

3 A. They are all financial related
4 which is why if we are now using the term
5 bodily safety, I can competently say that
6 none of the systems I work in have
7 reporting for bodily safety.

8 Q. All right. You have a website
9 that advertises or markets your litigation
10 consulting business; is that right?

11 A. I have a website that makes
12 available the true facts of my litigation
13 consulting business, yes.

14 Q. And you also years back had a
15 website that discussed your Weiner.net
16 consulting business; is that right?

17 A. I'm going to ask to pause a
18 second, Counsel, because we're talking 13
19 years ago, so --

20 MS. CARITIS: Sure. Why don't I
21 just show you. I can make it easier.

22 Mr. Delaney, if we could just
23 please put up tab 8, and I believe
24 that should be Exhibit 4.

25 (Exhibit 4, Weiner.net home page,

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2 marked for identification

3 THE WITNESS: Yes, I do remember

4 The Wayback Machine. Yes, very good.

5 BY MS. CARITIS:

6 Q. So let me set the scene a little
7 bit. So Mr. Weiner, I'll represent to you
8 that we went back to The Wayback Machine,
9 a way to identify websites from years
10 past, and this is what appeared from 2010
11 when we put in your website. Does this
12 look generally familiar to you?

13 A. I remember that picture. I was
14 so young then.

15 Q. Fair to say that to the best of
16 your recollection, this is what your
17 website back in approximately 2010 looked
18 like?

19 A. I cannot -- let me just read it
20 for one second.

21 Yes, this is the representation I
22 can generally remember from 2010.

23 Q. Okay. And we talked a little bit
24 about the purpose of LinkedIn. This is
25 another online way that you can market

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2 yourself and make clear the consulting
3 experience -- the consulting services that
4 you can provide; right?

5 A. It is a tool to speak to a
6 particular audience about consulting
7 services where a client asked if they
8 could verify on the Internet.

9 Q. Sorry, I want to make sure I
10 understand that. Are you saying that a
11 client asked you to create this, or it was
12 helpful for a client to confirm that they
13 were okay hiring you? I didn't understand
14 what you just said there.

15 A. I was speaking to a client who
16 asked if they could see anything on the
17 Internet about the work I was proposing to
18 do for them and I built this particular
19 page for that purpose.

20 Q. Understood. So it's your
21 testimony this was created for a
22 particular client?

23 A. This particular page as I am
24 recollecting it, and please, Counselor,
25 we're talking about 2010 so please accept

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2 I'm doing the best I can recall 2010 that
3 I can, was created for a particular client
4 that asked to verify my business on the
5 Internet.

6 Q. Understood. And of course I
7 understand it was a long time ago. So not
8 a memory test. What client asked you to
9 make this?

10 A. As I said earlier, I don't
11 disclose any of my clients in my
12 consulting career due to the nature of the
13 relationships that I have with them.

14 Q. Did you end up doing work for
15 this client?

16 A. The client that I recall in this
17 particular case did engage me.

18 Q. Okay. I don't know if you had an
19 opportunity to look at the whole document
20 but based on my read, I don't see any
21 references to safety or risk management.
22 You agree with that?

23 A. It is a fair characterization on
24 the words of the page that they do not use
25 the word safety or the word risk

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2 management.

3 Q. Okay. We've been spending a lot
4 of talking about your time at Weiner.net.
5 We can speed this up because we have
6 limited time. Prior to your work at
7 Weiner.net, you were at LogicSourcing
8 which was a subsidiary of Novantas; is
9 that right?

10 A. That is correct. That company is
11 and was founded by the partners that I
12 worked for at Booz Allen and Hamilton. I
13 worked for those same partners at First
14 Manhattan Consulting Group and I worked
15 with those same partners and became a
16 partner when I joined Novantas.

17 Q. Okay, and I'm now -- we've been
18 all over the place, but I'm looking now at
19 your résumé in your report.

20 A. Yes.

21 Q. And there, you identify
22 LogicSourcing as a leading provider of
23 consulting solutions and research services
24 for financial industries. Do you see
25 that?

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2 A. If I can clarify, that tag line
3 there is specifically referring to
4 Novantas. LogicSourcing is separated by a
5 dash in that headline.

6 Q. Understood. Are you saying that
7 LogicSourcing was not a leading provider
8 of consulting solutions and research
9 services?

10 A. The leading provider of
11 consulting services and research services
12 for financial services that I'm referring
13 to in that particular point is Novantas,
14 LLC, which was the owner of the business I
15 worked for, which was LogicSourcing, LLC.

16 Q. Okay. And for LogicSourcing
17 specifically, fair to say that that was
18 focused on technology consulting for
19 travel industry clients?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: I've listed quite a
22 few, four to be specific, of the
23 engagement types that I did underneath
24 the bullets there. That was a decent
25 chunk of time, 2005 to 2008, there

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2 were other clients during that time.

3 They were all technology related in
4 some way, shape or form. They covered
5 various industries.

6 BY MS. CARITIS:

7 Q. And in the first bullets for
8 putting a kind of blurb about one of your
9 engagements there, you wrote managed the
10 Sabre due diligence efforts on sale to
11 private investors, which included leading
12 a team of consultants consisting of three
13 partners and 50 professionals in effort to
14 evaluate the plan for revenue growth, cost
15 reduction and technology management.

16 Do you see that there?

17 A. I wrote those words.

18 Q. So fair to say that in your
19 experience as a consultant, important to
20 figure out ways to allow companies to
21 achieve revenue growth, one; right?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: Revenue growth is
24 an important consideration in the
25 corporate world, that's an absolutely

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2 fair statement.

3 BY MS. CARITIS:

4 Q. Again, in this Novantas
5 LogicSourcing section of your résumé, I
6 don't see the word safety anywhere.
7 That's fair?

8 A. It is accurate to represent that
9 the physical word safety does not appear
10 in the plain language on the page.
11 Absolutely right. I made it very clear in
12 my report to disclose for the court's
13 consideration the specific work that I
14 have done that has been related to safety.
15 That is found in my report and of course
16 when you get to that, we can go over that.

17 Q. And we'll talk about it. I think
18 I found two examples that you identified
19 in your report but we'll talk through
20 that. There wasn't anything though during
21 your time at Novantas, LogicSourcing that
22 you would identify as a safety-related
23 engagement; correct?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: May I refer to my

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2 report for a second? I wanted to
3 check something quickly.

4 BY MS. CARITIS:

5 Q. Sure thing.

6 A. Forgive me, Counsel, we're
7 talking now almost 20 years ago so I'm
8 just trying to be precise by finding out
9 which ATM proceeding I referred to in my
10 report.

11 That was at First Manhattan
12 Consulting Group, but yes, it is fair to
13 say I did not disclose in my report any
14 work on ATMs while at LogicSourcing.

15 Q. And to be clear, you didn't do
16 any work related to ATMs or safety more
17 broadly during your time at LogicSourcing?

18 MS. ELLIS: Objection, form.

19 THE WITNESS: At LogicSourcing
20 that client I referred to on ATMs did
21 engage me again in a different role to
22 help them with the contract
23 negotiation of a merchant agreement
24 but I've worked with that client since
25 the ATM time over and over again over

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2 the years.

3 BY MS. CARITIS:

4 Q. I'm not sure I understand your
5 answer. I asked you that while you were
6 working at -- is it okay if I call it
7 Novantas? Novantas or LogicSourcing?

8 A. If you really want to be
9 confused, its current name is Curinos.

10 Q. All right. Can I do Novantas and
11 we'll agree we're talking about your work
12 history from 2005 to 2008?

13 A. I would be pleased to simplify it
14 by calling it Novantas.

15 Q. All right. So my question is
16 during your work at Novantas, did you work
17 on any safety-related initiatives?

18 MS. ELLIS: Objection, form.

19 THE WITNESS: Counselor, you may
20 have noticed by this point I'm trying
21 to be very, very specific with the
22 word safety so let me just take a
23 second and make sure you and I are
24 being very clear. Are you referring
25 to physical human safety, as you have

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2 in other sections, or are you talking
3 about the broad risk of safety which
4 as you know I have described to
5 include things like financial risk?

6 BY MS. CARITIS:

7 Q. I'm talking specifically about
8 personal bodily safety. So have you had
9 any experience during your time in
10 Novantas related to personal bodily
11 safety?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: In the time at
14 Novantas and the consulting
15 engagements at Novantas, I did not
16 have the opportunity to speak
17 specifically to any client that was
18 deemed with a foreseeable risk like
19 personal bodily safety.

20 BY MS. CARITIS:

21 Q. You mentioned that you did some
22 work on ATMs for a client during your time
23 at Novantas and then you were engaged at
24 another point by that same client. Did
25 you work on any initiatives for that

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2 client outside of the Novantas time frame
3 concerning individual personal safety?

4 A. Most of the work that I did on
5 personal bodily safety related to ATMs was
6 between 1994 and 1998 when I was at First
7 Manhattan Consulting Group. As I've
8 enumerated, I worked for that client on a
9 number of other occasions and we did from
10 time to time have discussions about that
11 work from the '94 to '98 time, but it's
12 fair to say I was not engaged in a
13 consulting relationship for the sake of
14 working on risks related to bodily safety
15 while at Novantas.

16 Q. Okay. After Novantas -- excuse
17 me, I did this backwards so it's my fault.

18 Before Novantas you were at
19 United Airlines; is that right?

20 A. That is absolutely correct.

21 Q. And you were at United Airlines
22 from 2002 to 2005 in two different roles;
23 correct?

24 A. That is exactly correct.
25 United's role changed at the time of

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2 United's bankruptcy.

3 Q. But in the first role you were
4 the vice president chief technology
5 officer for UAL Loyalty Services; is that
6 right?

7 A. That is correct.

8 Q. Okay. And you explained in your
9 résumé that that was a spinoff of the
10 Mileage Plus program and United.com; fair?

11 A. Just to be clear, it never got
12 spinoff. It was an entity created in the
13 intent to spin out the Mileage Plus
14 program and the United.com and loyalty
15 businesses. You might remember that time
16 period to unlock the additional value
17 those businesses created, considered to
18 the multiple that you get in value from
19 airline which was considerably low.

20 Q. At some point you then
21 transitioned to managing director of
22 strategic sourcing; is that right?

23 A. That is a precise representation
24 of what's on my résumé, yes.

25 Q. Okay. And when did that happen?

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2 A. At the time of United's
3 bankruptcy, as I mentioned a few moments
4 ago. It's public record but if I'm being
5 completely honest with you, my memory does
6 not remember the particular date that that
7 transition happened.

8 Q. I'm pretty positive this
9 litigation will proceed without us knowing
10 the particular date of that transition, so
11 we're okay, thank you.

12 So in your CV, and I understand
13 that you are telling me you include some
14 additional details in your report but I'm
15 focused solely on your CV. In the United
16 Airline section of your CV, you do not
17 reference any safety-related products; is
18 that right?

19 A. Give me one --

20 MS. ELLIS: Objection, form.

21 THE WITNESS: -- second, if you
22 don't mind. I have to turn back to
23 that.

24 You'll note in the first
25 paragraph I refer to a central

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2 reservation system. That central
3 reservation system had features which
4 managed getting pilots and flight
5 attendants to hotels and
6 transportation. And I do in my report
7 refer to the safety aspects that we
8 considered in that central reservation
9 system so your representation would
10 need some augmentation.

11 BY MS. CARITIS:

12 Q. Well, my question -- let me ask a
13 better question, thank you.

14 You certainly don't mention the
15 word safety in describing your experience
16 at United on your CV; right?

17 A. I have not written the word
18 safety on my CV as it relates to my United
19 experience, but as I mentioned provided
20 additional details in my report.

21 Q. So you, and we'll talk about it
22 in a second, but you just pointed me to
23 the reference in your CV to a central
24 reservation system, right, and we'll talk
25 a little bit about that later, but that's

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1 WEINER

2 the reference that you're pulling out in
3 your CV related to safety?

4 A. The work on the central
5 reservation system and its features that
6 supported flight attendants and pilots
7 getting to hotel rooms after their shifts
8 in my opinion did have certain
9 safety-related aspects that we considered
10 in the product development lifecycle for
11 that product.

12 Q. We'll talk about that in a
13 second. If we could go -- this is going
14 to challenge my memory. Go to Exhibit 2,
15 which was your LinkedIn profile. I just
16 want to take a quick look to confirm that
17 in your LinkedIn profile when you're
18 discussing your United Airline experience,
19 you also don't mention the word safety
20 anywhere in that description, and it's on
21 the page 3 of 5, Mr. Delaney.

22 A. I can read the page and tell you
23 that I do not see the word safety on the
24 page. We would have to talk about the
25 additional details I provided to have a

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2 fulsome conversation on safety.

3 Q. Great. If we could now go to
4 Exhibit 3. That was the experience
5 section of your LinkedIn profile.

6 MS. CARITIS: Mr. Delaney, it's
7 page 2 of the United Airlines section.

8 BY MS. CARITIS:

9 Q. And there actually, we briefly
10 talked about, there are section bullets
11 concerning skills and you would agree with
12 me here that the skills you identified
13 under United Airlines include e-commerce,
14 Web software, travel technology, technical
15 leadership and loyalty programs; right?

16 MS. ELLIS: Objection, form.

17 THE WITNESS: I can absolutely
18 read the page and you are accurate.
19 You only left off the duplication of
20 e-commerce and the words Web software
21 in the skills.

22 BY MS. CARITIS:

23 Q. Nowhere in the skills section do
24 you identify safety or risk management;
25 right?

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2 MS. ELLIS: Objection, form.

3 THE WITNESS: It is clear on the
4 plain language on the page that the
5 word safety and risk management are
6 not written. As I pointed out before
7 though, we must look at the overall
8 process of managing a project
9 development lifecycle to understand
10 the experience that I have enumerated
11 in my report related to safety.

12 BY MS. CARITIS:

13 Q. Going back, prior to United -- we
14 can take that down, Mr. Delaney, thanks so
15 much.

16 Prior to United, you from 2000 to
17 2002 were at Synetro Group; is that right?

18 A. I was at Synetro Group from 2000
19 as 2002 as enumerated on the CV.

20 Q. And you would agree that during
21 your two years at Synetro Group, you
22 weren't involved in assisting with the
23 development of any safety-related products
24 or systems; fair?

25 MS. ELLIS: Objection, form.

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2 THE WITNESS: It is both fair to
3 say that I did not use the word safety
4 in that description, nor did I provide
5 any elaboration in my report of safety
6 work that I did during that time
7 period, absolutely.

8 BY MS. CARITIS:

9 Q. My question was did you do any?
10 So it is, Mr. Weiner, during your time at
11 Synetro, you did not do any safety-related
12 product or systems work; is that correct?

13 MS. ELLIS: Objection, form.

14 THE WITNESS: So Counselor, I'm
15 trying to be as clear as I can so
16 forgive me for one second but I can
17 answer this very simply if I can use
18 the word personal safety, would that
19 be acceptable?

20 BY MS. CARITIS:

21 Q. Thank you for that clarification.

22 A. So yes, I can confirm that
23 between 2000 and 2002, none of the work
24 that I did in product development
25 considered the specific risk of personal

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2 safety or harm to individuals.

3 Q. And is the reason that you're
4 providing the helpful caveat there is
5 because since you were working in the
6 financial space, you often did have to
7 take into account financial crime; is that
8 right?

9 A. You and I are learning a language
10 between ourselves. That is a very
11 accurate assessment.

12 Q. Prior to -- we're getting there.
13 Prior to Synetro Group, you were at
14 Brierley+Partners, a direct marketing ad
15 agency focused on loyalty programs; is
16 that right?

17 A. Or how Brierley is sitting in
18 Dallas wondering about his name, but yes,
19 it is Brierley+Partners.

20 Q. Sorry about that, Mr. Brierley.
21 And fair to say that during your
22 approximately a year at Brierley+Partners,
23 you did not work on any programs or
24 systems related to safety outside of the
25 financial crime context we've been

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2 discussing?

3 MS. ELLIS: Objection, form.

4 THE WITNESS: During 1998 and
5 1999, the products that I worked on
6 did not consider the risk of personal
7 safety as a foreseeable risk in those
8 businesses.

9 BY MS. CARITIS:

10 Q. From '94 to '98 you were at First
11 Manhattan Consulting Group; is that right?

12 A. Yes I was at First Manhattan
13 Consulting Group from 1994 to 1998.

14 Q. And in your CV, your résumé
15 that's included in your report, you
16 describe your work at First Manhattan
17 Consulting Group. You say that you were a
18 management consultant serving financial
19 services customers on issues like loyalty
20 program development, technology
21 development, infrastructure, credit card
22 and banking technology and customer
23 contact center technology. Do you see
24 that?

25 A. Yes, those are the words that I

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2 wrote to describe that time period 30
3 years ago.

4 Q. And as it's represented on your
5 CV, you did not include any specifics or
6 reference to work during that time period
7 related to personal safety; is that right?

8 A. As is written on the CV, the only
9 thing related to personal safety that I
10 called out in my report is covered there
11 by the words technology development.

12 Q. Okay. So sitting here today,
13 it's your position that when you wrote
14 technology development in your résumé,
15 there you were referring to safety-related
16 features?

17 A. It is my representation that I
18 have enumerated in my report a piece of
19 work that I did on a safety-related
20 feature during my work on technology
21 development at the First Manhattan
22 Consulting Group.

23 MS. CARITIS: Mr. Delaney, if we
24 could pop back up Exhibit 3, please,
25 this is the LinkedIn experience page.

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2 BY MS. CARITIS:

3 Q. And Mr. Weiner, again just take a
4 quick look at the skills you identified
5 outside of this litigation related to your
6 work at First Manhattan Consulting Group.
7 You said you have skills in e-commerce,
8 technical leadership, Web software and
9 loyalty programs; right?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: Can you please show
12 me that on the screen. I don't
13 remember.

14 MS. CARITIS: Sorry.
15 Mr. Delaney, it's on the third page at
16 the top.

17 THE WITNESS: And program
18 recommended these specific skills and
19 I accepted them to describe my time at
20 First Manhattan Consulting Group.

21 BY MS. CARITIS:

22 Q. And while we have this up,
23 Mr. Weiner, if you could take a quick look
24 at the skills that are associated with
25 your 37 years of experience on your

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2 LinkedIn profile and to confirm that
3 nowhere do those skills reference safety
4 or risk management?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: I believe I need to
7 clarify, as I have done in my report,
8 that everywhere where it says
9 technical leadership on the skills on
10 my LinkedIn profile as I've enumerated
11 in my report, I am specifically
12 referring to both safety and risk
13 management and the management of
14 foreseeable risks as part of the
15 product development lifecycle that I
16 have used throughout my entire career.
17 So to be very specific to your
18 question, the word safety does not
19 appear in this skills section on
20 LinkedIn.

21 BY MS. CARITIS:

22 Q. And to be very clear though, in
23 your report, which we'll get to in a
24 second, you only identified two instances
25 where you did any work related to physical

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2 safety; right?

3 MS. ELLIS: Objection, form.

4 THE WITNESS: In my report, I
5 enumerated two specific instances
6 where I have had the personal
7 experience of working on what you and
8 I now agree to call physical safety.

9 BY MS. CARITIS:

10 Q. Okay. So in the American Express
11 example on the screen right now, I think
12 you said technical leadership involved
13 safety. You never did anything related to
14 physical safety when you were working at
15 American Express; right?

16 MS. ELLIS: Objection, form.

17 THE WITNESS: Again, American
18 Express I did technical leadership.
19 Technical leadership involves risk
20 management. The risks that I was
21 managing at American Express were
22 financial and travel related risks,
23 they did not include personal safety
24 in the product development lifecycle.
25 We also provided an insurance product

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2 as a travel agency to protect people
3 that had injury as it related to
4 travel. So yes, there was some
5 consideration of personal safety in
6 the product development lifecycle at
7 American Express as it relates to
8 illness and other physical harms that
9 can happen while traveling.

10 BY MS. CARITIS:

11 Q. It's certainly not your testimony
12 that a company can simply purchase
13 insurance to cover any risk of bodily
14 injury that occurs through use of its
15 product; right?

16 MS. ELLIS: Objection, form.

17 THE WITNESS: I am not testifying
18 today that purchasing insurance
19 protects against foreseeable risks of
20 bodily harm at all, that is a correct
21 observation.

22 BY MS. CARITIS:

23 Q. Okay. So you've told us a few
24 times that in your opinion as you're
25 giving it today, that you have additional

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2 safety-related experience that you believe
3 falls under technical leadership category.
4 But just to be very clear, in your
5 LinkedIn profile, in your experience
6 section and in your CV you've never
7 explicitly called out experience with
8 safety; is that right?

9 MS. ELLIS: Objection, form.

10 THE WITNESS: To answer your
11 question very specifically in my
12 LinkedIn profile, in my CV, I have not
13 used the word safety even once.

14 MS. CARITIS: Let's look at
15 another --

16 MS. ELLIS: We've been going
17 about another hour.

18 MS. CARITIS: This is a good time
19 to break, thanks for the reminder. We
20 can go off the record.

21 THE VIDEOGRAPHER: We're going
22 off the record. This is the end of
23 media unit 2. The time is 11:19.

24 (Recess taken from 11:19 a.m. to
25 11:29 a.m.)

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2 THE VIDEOGRAPHER: We are back on
3 the record. This is the beginning of
4 media unit 3. The time is 11:30.

5 BY MS. CARITIS:

6 Q. Mr. Weiner, we've just spent a
7 long time going through your experience
8 and your career. We talked a little bit
9 about First Manhattan Consulting Group.
10 Just to round it out, you also spent three
11 years at American Express and you spent
12 two years after graduating as an analyst
13 at Booz Allen; is that right?

14 A. That is exactly right.

15 Q. And those two experiences at
16 American Express and Booz Allen, those
17 were focused on financial services, again
18 loyalty and travel clients; is that right?

19 A. That is an accurate
20 representation of my time at Booz Allen
21 and American Express.

22 Q. We just talked about what I'll
23 call your day jobs but along with your day
24 job, just like we're doing today, you also
25 have a expert consulting business; is that

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2 right?

3 A. I have served as a consulting or
4 testifying expert on 25 cases over the
5 last 13 years.

6 Q. And one way that you market your
7 expert services is through the SEAK expert
8 directory; is that right?

9 A. I have a profile on the SEAK
10 expert directory.

11 MS. CARITIS: And Mr. Delaney, if
12 we could please pull up tab 9 that I
13 will mark as Exhibit 5.

14 (Exhibit 5, SEAK expert directory
15 page, marked for identification.)

16 BY MS. CARITIS:

17 Q. And Mr. Weiner, if you could just
18 take a moment again, you have the ability
19 to download this if it would be easier for
20 you, but this is what we pulled directly
21 from the SEAK expert directory related to
22 you but if you can just take a moment, you
23 would agree that this entry is talking
24 about you; right?

25 A. I am familiar with this entry and

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2 it is talking about me.

3 Q. Okay. You created it?

4 A. I worked on this entry myself.

5 Q. And there's a section that says
6 specialties and experience of this expert
7 witness. Do you see that at the top?

8 A. Yes, I do.

9 Q. And in the general specialty
10 section you identify yourself as a
11 specialist in information technology and
12 software engineering; is that right?

13 A. That is the best categorization
14 that I was able to find using their
15 capabilities, yes.

16 Q. And then there's also something
17 called keywords and search terms and
18 that's my understanding another kind of
19 filtering mechanism on the SEAK website to
20 allow folks to identify your expert
21 profile. Is that consistent with your
22 understanding?

23 A. Yes, those are additional terms
24 which people can search by.

25 Q. And you selected the terms to

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2 associate with your profile; right?

3 A. I did select those terms.

4 Q. There's then a section on
5 additional information. You see that?

6 A. Right now it is blocked --

7 Q. Sorry, Mr. Weiner, my fault.
8 There's another section called additional
9 information. You're able to view that
10 section?

11 A. I can view that section now as
12 well.

13 Q. There's -- did you draft these
14 three paragraphs that we're looking at on
15 the screen?

16 A. Those are words that I wrote,
17 yes.

18 Q. You also identify your litigation
19 consulting services; is that right?

20 A. That is correct, it says
21 litigation consulting services, and lists
22 some experience.

23 Q. Okay. Why don't you just -- if
24 we could go to the second page,
25 Mr. Delaney, please.

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2 And you here identify your
3 industry experience. Do you see that
4 section?

5 A. By industry experience I am
6 referring to certain verticals that I have
7 worked in, yes.

8 Q. I again am bad at some of these
9 terms. So verticals, what do you mean
10 when you say verticals?

11 A. Sure. In a general sense,
12 industries are categorized in two ways.
13 There are horizontal industries, like
14 software development, like technology
15 leadership, like product development, and
16 there are vertical industries like travel
17 and loyalty and financial services that
18 combine to make the overall map of
19 industries in the American society, for
20 lack of a better description.

21 Q. Got it, okay. So when you
22 identify your industry experiences you
23 select three buckets, travel industry;
24 right?

25 A. Yep.

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2 Q. The loyalty industry?

3 A. Yes.

4 Q. Second. And then the third,
5 financial services; right?

6 A. Yes.

7 Q. Okay. You wouldn't classify --
8 well you don't classify yourself as an
9 expert in the transportation industry more
10 broadly; right?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: I'm afraid we might
13 struggle a bit with transportation
14 industry as it relates to airlines.
15 Are you defining a transportation
16 industry that doesn't include
17 airlines?

18 BY MS. CARITIS:

19 Q. I guess more broadly it looks
20 here you write travel industry and you are
21 talking about American Express Travel and
22 United.com, which in my mind relate more
23 to the booking side of travel as opposed
24 to does the plane fly in the air. But if
25 you want to explain the distinction, I was

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2 talking about the experiences as you
3 articulated them on your expert profile.

4 MS. ELLIS: Objection, form.

5 THE WITNESS: I appreciate that
6 and I do appreciate the opportunity to
7 clarify with you. I would just say
8 that by travel industry I did mean to
9 include airlines and by airlines, I do
10 believe they are part of
11 transportation broadly.

12 BY MS. CARITIS:

13 Q. You're not an expert in
14 rideshare; correct?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: By rideshare,
17 you're specifically referring to
18 companies that match people and move
19 them in cars?

20 BY MS. CARITIS:

21 Q. Would you define rideshare, are
22 you an expert in rideshare? That's a
23 defining term, that's an industry.

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I'm actually not

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familiar with an industry designation of rideshare but I have in certain Uber documents seen descriptions of rideshare as companies that match and move people in automotive vehicles. If we're talking about the Uber definition of rideshare, then yes, I do not have here listed rideshare. I have not worked on an Uber or Lyft case before.

BY MS. CARITIS:

Q. Outside of the Uber definition, is there any other definition of rideshare that you would use?

MS. ELLIS: Objection, form.

THE WITNESS: I would not use a different definition of rideshare. I struggle a bit with the notion that rideshare as an industry in the broadest sense.

BY MS. CARITIS:

Q. Are you aware that rideshares are specifically regulated?

A. I am aware of regulations that

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2 relate to rideshare. I believe you might
3 have noticed in my report when I was
4 talking about the definition of rideshare
5 under the section on cameras, I enumerated
6 a number of rideshare companies that are
7 regulated as it relates to cameras.

8 Q. What is the gig economy? You
9 don't identify that as an industry in
10 which you have experience; right?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: As it relates to
13 horizontal industries, software
14 development, app development,
15 technology development, encompass all
16 aspects of the software development
17 lifecycle and product development
18 lifecycle and yes, I would consider my
19 expertise applies to the gig economy.

20 BY MS. CARITIS:

21 Q. I'm not asking you if your
22 expertise applies, I'm asking if you have
23 ever worked in the gig economy.

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I think I would

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2 need you to be more specific in
3 defining the gig economy for me to
4 make sure I'm answering that
5 correctly.

6 BY MS. CARITIS:

7 Q. This is going to sound sassy and
8 I don't mean it to but if you don't know
9 what I mean by gig economy, fair to say
10 you're not an expert?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: I would agree that
13 sounded sassy. However, I'm trying to
14 be incredibly clear and honest because
15 my job here is to explain things to
16 the court and so I want to be really
17 precise for the sake of the people and
18 judges that are going to read this
19 work so when you say gig economy, what
20 jumps to mind are some travel
21 companies that I worked for that do
22 not have broad employees but they
23 allow contractors to use their
24 services for the sake of booking
25 travel and I'm wondering if you would

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2 include that in your definition of a
3 gig economy because it does seem very
4 similar.

5 BY MS. CARITIS:

6 Q. Okay. So I just want to know how
7 you view yourself so it sound like you're
8 saying that you have experience in travel
9 related context that you view as similar
10 to gig economy; is that right?

11 A. That is what I'm trying to say,
12 absolutely.

13 Q. Okay. In the SEAK profile that
14 we were just looking at, your expert
15 directory profile, you would agree it
16 doesn't include the word safety anywhere;
17 right?

18 A. I can agree that the physical
19 word safety does not appear in this
20 profile as written.

21 Q. You also don't identify any risk
22 management expertise in your expert
23 profile; right?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: As we discussed a

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2 few times, technology development
3 inherently involves risk management
4 and therefore I do believe the words
5 technology development include the
6 concept of risk management.

7 BY MS. CARITIS:

8 Q. Are you aware that the SEAK
9 expert directory explicitly included
10 keywords for risk management safety that
11 you could have selected if you wanted to?

12 A. I am aware of all of the SEAK
13 options. They limit me to 20 and I did
14 not pick those in the top descriptors of
15 myself.

16 Q. So as a top descriptor of your
17 experience for people looking to hire you
18 as an expert, you chose to not include the
19 keyword safety; right?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: The keyword safety
22 does not appear in the list of
23 descriptors for me, absolutely.

24 BY MS. CARITIS:

25 Q. And you made the choice to not

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2 include safety as a key word associated
3 with your profile; right?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: I prioritized other
6 keywords above the word safety.

7 BY MS. CARITIS:

8 Q. Another keyword that you could
9 have included in your profile was risk
10 management. You understand that?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: The words risk
13 management on the SEAK profile are
14 available. I believe by talking about
15 software development and technology of
16 the leadership, people who are looking
17 for my particular skill set would know
18 that I am experienced in risk
19 management as it relates to technology
20 development and software development.

21 BY MS. CARITIS:

22 Q. But you chose again not to
23 explicitly include the keyword risk
24 management in your SEAK expert witness
25 profile; right?

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2 MS. ELLIS: Objection, asked and
3 answered like three times already.

4 MS. CARITIS: He has not answered
5 this question.

6 BY MS. CARITIS:

7 Q. Go ahead.

8 A. I have not chosen the term risk
9 management in the top 20 terms I was
10 allowed to choose on the SEAK profile
11 system.

12 Q. Mr. Weiner, you are testifying
13 for plaintiffs about both safety and risk
14 management; right?

15 A. My opinions are very well
16 enumerated in this report and the basis
17 for those opinions. What I have described
18 as my expertise in this report is
19 technology, product development and
20 software engineering. I have not in any
21 way, shape or form tried to put myself up
22 as experienced outside those areas.

23 Q. I'm asking a different question.
24 The substance of your opinions relate to
25 Uber's prioritization of safety

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2 priorities; right?

3 A. Cover the product development
4 lifecycle and the prioritization choices
5 that Uber made as demonstrated in their
6 artifacts on prioritizing risk management
7 as it relates to safety issues.

8 Q. As you just articulated, it's the
9 two core components of your expert report
10 in this litigation concerns safety and
11 risk management; right?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: I'm sorry, I'm
14 trying so hard to be helpful here but
15 the two, three primary expertises I'm
16 bringing to bear are technology,
17 product development and software
18 engineering. I worked extremely hard
19 on this report not to stray from my
20 core experience into things like
21 criminology or motivation or crime
22 that I am not presented myself as an
23 expert for. In my report I've spoken
24 to the practices and industry
25 standards on technology, product

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2 development and software engineering.

3 BY MS. CARITIS:

4 Q. Okay. I'm not talking about your
5 expertise, I'm talking about what your
6 opinions are. The opinions you are
7 providing in this litigation are that Uber
8 did not prioritize safety and it did not
9 have appropriate risk management; is that
10 correct?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: I am struggling
13 with your characterization of my
14 opinions. If you'd like, we can go
15 through my opinions in my report and
16 try to highlight how I believe they
17 specifically speak to technology,
18 product development and software
19 engineering.

20 BY MS. CARITIS:

21 Q. I'm literally just asking you
22 high-level questions. Let me break it
23 down. I think I'm conflating things.

24 You would agree that one of the
25 opinions that you provide in your report

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2 is that Uber's product did not
3 appropriately prioritize safety; is that
4 fair?

5 A. Which opinion are you referring
6 to?

7 Q. I am just when I'm reading your
8 whole report, that's what I take away. Do
9 you disagree that you're providing an
10 opinion concerning whether or not Uber
11 properly prioritized safety initiatives in
12 its product?

13 MS. ELLIS: Objection, form.

14 THE WITNESS: Give me one second,
15 I think I can be helpful here.

16 My opinion 2 reads Uber failed to
17 incorporate industry standard
18 risk-based practices into its product
19 development lifecycle and instead
20 prioritized growth, cost reduction and
21 competition over the timely
22 implementation of safety-related
23 features.

24 (Computer froze).

25 (Discussion off the record.)

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2 THE VIDEOGRAPHER: We are back on
3 the record. The time is 11:54.

4 BY MS. CARITIS:

5 Q. Mr. Weiner, we took a short
6 break. We had some technical challenges
7 and I believe the last thing that we got
8 on the record, you were reading for me
9 your opinion 2 on page 44 of your report,
10 and I'm not trying to be tricky, I just
11 want to make sure I understand kind of a
12 concise statement of Exhibit -- excuse me,
13 opinion 2. And based on my read, you're
14 saying that Uber failed to incorporate
15 industry standard risk-based practices
16 when it developed its product and instead
17 prioritized growth, cost reduction and
18 competition over the timely implementation
19 of safety features; right? That's a fair
20 read of the first chunk of your opinion 2?

21 MS. ELLIS: Objection, form,
22 misstates his report. I think there
23 was a word into versus when that was
24 substituted.

25 ///

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2 BY MS. CARITIS:

3 Q. That was inadvertent. I really
4 just want to try and get an understanding
5 of your opinion. It's my understanding of
6 your opinion that you're saying Uber
7 didn't take into account some industry
8 standard risk-based practices that we'll
9 discuss in a minute and instead
10 prioritized growth, profits, other things
11 instead of prioritizing implementing
12 additional safety features?

13 MS. ELLIS: Objection, form.

14 BY MS. CARITIS:

15 Q. Is that your opinion in opinion
16 2?

17 A. Do you remember my job here is to
18 make my opinions and my bases as clear as
19 possible to you so that you can be
20 informed on what I've written. What I
21 wrote was that Uber failed to incorporate
22 industry standard risk-based practices
23 into its product development lifecycle and
24 instead prioritized growth, cost reduction
25 and competition over the timely

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implementation of safety-related features that its own internal studies indicated could mitigate risks of sexual assault and sexual misconduct.

What I am doing is applying industry standard practices to review Uber's documents and form an opinion based on what I've laid out here as the basis for my opinion which cites and enumerates the Uber documents that I'm talking about. So what I've done is used my experience and industry standards to write for the court my opinion of what materials I consumed and research I did in the form of this opinion.

Q. Okay. I think we're talking over each other. Is it your opinion that Uber should have implemented additional safety features from the time of its inception to present day, yes or no?

MS. ELLIS: Objection, asked and answered. He literally read his opinion.

MS. CARITIS: The opinion doesn't

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2 answer it. That's why I'm asking him
3 a very specific question.

4 BY MS. CARITIS:

5 Q. Mr. Weiner, is it your opinion
6 that from Uber's inception to present day,
7 it should have implemented additional
8 safety features?

9 MS. ELLIS: Objection, asked and
10 answered.

11 THE WITNESS: Alex, I'm
12 struggling with the word should.
13 You're asking me to use a word I
14 didn't use. I do not in any of my
15 opinions use the word should.

16 BY MS. CARITIS:

17 Q. Okay. So you are not providing
18 an opinion that from the time of this
19 inception to today Uber should have done
20 anything?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: I'm sorry, Alex.
23 What I am opining specifically is that
24 Uber failed to incorporate industry
25 standard risk-based practices into its

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product development lifecycle and instead prioritized growth, cost reduction and competition over the timely implementation of safety-related features that its own internal studies indicate could mitigate risks of sexual assault and misconduct. I am looking at a preponderance of evidence, which is thousands of documents, tens of thousands of pages and almost 500 hours of deposition testimony to allow the court to see that in my opinion they did not, and I'll quote it again, failed to incorporate industry standard risk-based practices. I don't have an opinion of what they should or shouldn't do.

BY MS. CARITIS:

Q. So you have no opinion that Uber should have implemented any additional safety features, you're not providing an opinion on that?

MS. ELLIS: Objection, form.

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2 THE WITNESS: So let's look at
3 the word should. What are you trying
4 to mean with the word should?

5 BY MS. CARITIS:

6 Q. Should they have done it,
7 Mr. Weiner? Is it your opinion that Uber
8 should have implemented any additional
9 safety features from the time of inception
10 to today?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: Perhaps this will
13 -- it is my opinion that if they had
14 not failed to incorporate industry
15 standard risk-based practices, there
16 would have been more safety features.

17 BY MS. CARITIS:

18 Q. Okay. So you think Uber should
19 have adopted additional safety features?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: I'm really
22 struggling with the word should.
23 Should has a meaning for me. It's got
24 context to it. I've been really
25 careful with the words because I don't

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2 want to confuse the court or the jury
3 as it relates to my opinions. Should
4 is not a word that right now in this
5 moment you and I are agreeing what
6 you're asking me to imply with it.

7 BY MS. CARITIS:

8 Q. So you're not willing today to
9 say one way or the other whether Uber
10 should have done anything; is that right?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: If you could be a
13 bit patient with me to clarify with
14 you the word should, I might be able
15 to give you a more clear answer but on
16 the surface I am struggling with that
17 word.

18 BY MS. CARITIS:

19 Q. Mr. Weiner, you told me earlier
20 that you make \$260,000 annually for your
21 day job at the Fed right?

22 A. That is accurate, yes, I make --

23 Q. You started billings plaintiffs
24 for your work in this case in May of 2025;
25 is that right?

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2 A. That is correct.

3 Q. You sent plaintiff an invoice in
4 May; right?

5 A. Yes.

6 Q. Sent them one in June?

7 A. Correct.

8 Q. Sent them one in July?

9 A. Correct.

10 Q. Sent them one in August?

11 A. Correct.

12 Q. Sent them one in September?

13 A. I have worked on this case
14 continuously in addition to my job at the
15 New York Fed over those months.

16 MS. CARITIS: Okay. So you -- if
17 we could, Mr. Delaney, please mark tab
18 50 as Exhibit 6.

19 (Exhibit 6, invoices, marked for
20 identification.)

21 BY MS. CARITIS:

22 Q. And Mr. Weiner, Exhibit 6 is a
23 compilation of all of the invoices that
24 plaintiff's counsel produced to us last
25 night and represented were invoices

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2 submitted in connection with work done in
3 this case. If you want to just take a
4 quick moment to confirm these are, in
5 fact, the invoices you submitted. It
6 might be easiest for you to just download
7 them, otherwise Mr. Delaney can click
8 through but they are quite a few pages.

9 A. I am most familiar with this
10 format. If Mr. Delaney will just click
11 through I will be able to help. That
12 looks accurate. Next one? Next page.
13 Next page, next page, perfect, next page.
14 Next page. And the last set. Next page.
15 Yes. I can confirm these resemble what I
16 submitted, yes.

17 Q. Okay. Let's look at the May
18 invoice. It's page 1 of the compilation,
19 Mr. Delaney, and this document reflects
20 time billed in the month of May. If we
21 look on the back, the second page, you
22 were paid \$83,750; right?

23 A. I have been paid for this
24 invoice, that is correct.

25 Q. Okay. And that was for one month

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2 of work; right?

3 A. That is correct.

4 Q. And then you submitted another
5 invoice for June for the work you've done
6 in this case. Mr. Delaney, if you could
7 please go to the third page, there's our
8 June invoice and if we go to the second
9 page of the June invoice, we see that in
10 June you billed an additional \$92,375;
11 right?

12 A. That is correct.

13 Q. Okay. Two months. Now let's
14 look at our third month. You submitted a
15 July invoice. Scroll through the next few
16 pages, Mr. Delaney, July, okay. And in
17 July you were paid \$110,250 for your work
18 as an expert in this case; right?

19 A. That is correct.

20 Q. So far three months of work you
21 billed a little more than 83,000, a little
22 more than 92,000, and a little more than
23 110,000.

24 Fair to say in those three months
25 you're nearing your annual salary at the

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2 Fed already?

3 A. It is true that the sum of those
4 three amounts nears my annual salary at
5 the Fed.

6 Q. Okay. You submitted another
7 invoice in August. This one is even
8 bigger than the July invoice. It's three
9 pages long and it totaled \$124,750 for one
10 month of work on this case; right?

11 A. This was the month that we worked
12 on the report primarily and as you've
13 seen, my report is extremely detailed and
14 thorough so yes, that is correct.

15 Q. You were paid \$124,750 for that
16 work?

17 A. Um-hum.

18 Q. Okay. Now let's look at the last
19 invoice we have so far so the September
20 invoice. There you were paid -- now, your
21 report -- let's see. I see. This is
22 through -- I can tell by the date, this is
23 through the drafting of the report so I
24 see that your last entry is September 26,
25 2025. That's the date that the report was

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2 served; right?

3 A. That is correct.

4 Q. So you were paid \$55,400 in the
5 month of September; right?

6 A. You might recall that the report
7 date shifted a number of times. We had it
8 materially drafted by the prior report
9 draft date.

10 Q. I did some math and based on my
11 calculation just adding up the final
12 totals in those five invoices for five
13 months, you were paid by plaintiffs
14 approximately \$465,000; is that right?

15 A. It is accurate to say I have
16 billed plaintiffs for \$465,000. I have
17 not been paid \$465,000.

18 Q. Do you anticipate to be paid the
19 \$465,000?

20 A. I do anticipate to be paid the
21 \$465,000.

22 Q. Again for five months of expert
23 work in this litigation, you made \$200,000
24 more than what you get paid at your day
25 job in a year; right?

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2 A. It is truthful that I have been
3 paid more than my base salary at the Fed a
4 total of \$200,000 when these invoices are
5 fully paid.

6 Q. These invoices end September 26
7 as we just said. We're sitting here
8 today, October 28. Fair to say that
9 you'll be submitting a sixth invoice to
10 plaintiffs for any work done in connection
11 with this deposition?

12 A. I have billed on an hourly basis
13 for the work that I do and I have done
14 hourly work in this month.

15 Q. How did you prepare for today's
16 deposition, did you meet with counsel?

17 A. My preparation for this
18 deposition involved a set of work that I
19 did to review my work and review the ISO
20 standards and a set of documents. I also
21 met yesterday with the counsel for
22 plaintiff here in this office in
23 New York City.

24 Q. Approximately how many hours have
25 you billed, excluding today's deposition,

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2 so literally the time you're spending
3 today in preparing for your deposition in
4 the month of October?

5 A. I have not calculated that amount
6 but I could certainly do so if that's
7 something you would like to know.

8 Q. An approximation would be great.
9 Can you give me an approximation of the
10 amount of time you've billed in October on
11 this case?

12 A. You've now asked two questions.
13 You've asked what I've done in October and
14 you asked what I've done to prepare for
15 this deposition. There are two things
16 that have happened in the month of
17 October. There has been significant
18 de-designation of certain materials that
19 I've been asked to review and there was
20 the deposition I was asked to review.
21 That was not directly preparing for this
22 deposition. And then there was the time
23 dedicated and spent preparing for this
24 deposition. Your first question was how
25 much time I have spent preparing for the

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2 deposition. My guesstimate is in the
3 order of 15 to 20 hours.

4 Q. What about the first bucket,
5 additional work done on further documents
6 or depositions in the month of October?

7 MS. ELLIS: Objection, form. Is
8 there a question there?

9 BY MS. CARITIS:

10 Q. Yes, how much time have you spent
11 in that first bucket reviewing any
12 additional documents or deposition
13 testimony in October?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: I can calculate
16 that on a break.

17 BY MS. CARITIS:

18 Q. Do you have an approximate?

19 A. I spent two weeks at a retreat so
20 I was offline for a chunk of it. I just
21 really wouldn't want to guess and give an
22 impression that isn't accurate. It seems
23 like a very important number to have right
24 and so with your consideration, I would
25 prefer to get a real number over the lunch

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2 break, if that would be acceptable.

3 Q. Thank you. Appreciate that.

4 We'll take a look at any additional time
5 spent reviewing materials that came in
6 after your report was submitted but you've
7 said that you are guessing about 15 to 20
8 hours prepping. Do you charge the same
9 \$500 an hour for deposition prep and
10 deposition time?

11 A. I charge the same sitting on an
12 hourly basis for all the work that I do in
13 my litigation consulting.

14 Q. Okay. So let's -- I'll give the
15 lower end. So if you worked about 15
16 hours to prep for the deposition, 15 times
17 500, about 7,500 additional dollars that
18 you'll be paid in October for prep work;
19 is that right?

20 A. That is a fair calculation of the
21 15 hours, yes.

22 Q. And then we have seven hours
23 today, we'll all cross our fingers we
24 don't use it, but you will also bill
25 plaintiff's counsel and be paid \$500 for

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2 every hour we spend in our deposition
3 today; is that right?

4 A. At the risk of now me being
5 snarky, I find it highly unlikely you
6 won't spend seven hours.

7 Q. Fair.

8 A. That said, absolutely I will bill
9 on an hourly basis for the work that I do
10 on this case. Being completely accurate,
11 detailed and effective in my role trying
12 to explain complex technology issues to a
13 judge and jury are very important to me
14 and as you probably looked at some of my
15 earlier reports, it is something that I
16 take very seriously and spend the time
17 needed to ensure I am portraying both
18 sides of the picture, both the plaintiff
19 and the defendant side so that I am
20 impartial and thorough. And so I have
21 done an incredible amount of work on this
22 case because over two million documents
23 were produced. I would read over 10,000
24 pages and almost 400 or 500 hours of
25 depositions, so yes, I have billed for the

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2 work that I have done.

3 Q. (Inaudible) report, you identify
4 that you've testified I think you said two
5 dozen times before as an expert witness.
6 Let me be precise and find it.

7 A. I think I used that number on
8 this conversation, that is an accurate
9 representation. I have been engaged in
10 two dozen cases, 25 to be exact.

11 Q. I'm on paragraph 18 of your
12 report.

13 A. Okay.

14 Q. You note that as a testifying and
15 consulting expert since 2011, you've
16 served in almost two dozen matters.

17 A. Yes.

18 Q. Okay. In those two dozen matters
19 to the extent that's not looping in
20 everything, in all of your expert work
21 experience, have you ever before been
22 tasked with analyzing whether or not a
23 company complied with industry standards
24 related to their implementation of safety
25 features?

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2 MS. ELLIS: Objection, form.

3 THE WITNESS: I have been
4 employed and recognized by the court
5 as an expert in applying the practices
6 of the product development lifecycle
7 and assessing the risks that occur
8 that are inherent to the particular
9 clients I've evaluated.

10 BY MS. CARITIS:

11 Q. Okay.

12 A. Yes, of course I've been doing
13 that most of this career.

14 Q. Which cases specifically did
15 you -- were you tasked with analyzing a
16 party's product development and
17 determining whether or not they
18 appropriately included risk management,
19 what specific cases are you talking about
20 there?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: So on this
23 document, I have only listed a small
24 set of cases. The product development
25 lifecycle was evaluated in

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2 considerable depth in a case not
3 enumerated on this list but is in the
4 list of cases which is known as Bank
5 versus Bank Software Company where
6 they were being sued for gross
7 negligence in the implementation of
8 their software and I was asked to look
9 at all of the practices of the
10 software development lifecycle,
11 including specifically the risk
12 management practices that they
13 employed in their process.

14 BY MS. CARITIS:

15 Q. Who were you employed by there --
16 excuse me, retained by there, the
17 plaintiff or the defense?

18 A. In that particular case, the
19 attorneys for the defense engaged my
20 services.

21 Q. And what were the allegations?
22 You said that the defendant was being sued
23 for negligence. What was the specific
24 allegation?

25 MS. ELLIS: Objection, form.

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2 THE WITNESS: In the furtherance
3 of their product development
4 lifecycle, they were accused of gross
5 negligence in their execution of that
6 product development lifecycle for the
7 sake of implementing a product for the
8 plaintiff.

9 BY MS. CARITIS:

10 Q. What product did they implement
11 and what did the plaintiffs say was
12 grossly negligent about their
13 implementation?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: This was a
16 confidential arbitration. I'm not
17 sure those details are something I
18 should be going into. I can talk in a
19 general way about the case but that
20 was a confidential arbitration under
21 the American Arbitration Association
22 guidelines.

23 BY MS. CARITIS:

24 Q. Were the gross negligence
25 allocations related to claims of physical

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2 harm?

3 MS. ELLIS: Objection, form.

4 THE WITNESS: I feel comfortable
5 saying that the gross negligence
6 claims had nothing to do with physical
7 harm. They were the management of
8 risks in the software development
9 lifecycle for a product in the banking
10 space.

11 BY MS. CARITIS:

12 Q. Can you provide me any more
13 details about the product in the banking
14 space or is the rest of that confidential?

15 A. I feel uncomfortable going much
16 further but again, if you have more
17 specific questions I would consider them.
18 If they would be helpful in understanding
19 the work that I have done, absolutely.

20 Q. I want to understand the product
21 that you analyzed as through that
22 engagement. What was the banking product
23 that you were analyzing in that
24 litigation?

25 A. It's safe to say it was a product

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2 used by a bank to implement banking
3 services.

4 Q. Okay. And you said that that's
5 an example you can give me of a time when
6 your expert experience involved the
7 product lifecycle and risk management.

8 A. Yes.

9 Q. The risk management there had
10 nothing to do with personal safety; right?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: We specifically
13 referred to ISO 30100 quite a number
14 of times, the ISO standard relating to
15 risk management. We did not have any
16 considerations related to personal
17 safety.

18 BY MS. CARITIS:

19 Q. Okay, so that's helpful. Thank
20 you for bringing in the standard.

21 You were providing me there an
22 instance previously where you've relied on
23 -- is it ISO or I-S-O?

24 A. ISO.

25 Q. That's an instance where you

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2 relied on the ISO standards that you
3 discuss in this case in a prior expert
4 report; correct?

5 A. That is, absolutely. I'll also
6 refer to the ISO standards and the Newport
7 Hotel Group versus InfoFusion case that I
8 was just deposed on earlier this year and
9 I believe we provided you that deposition
10 as well as the ISO standards enumerated in
11 that deposition that I relied on. They
12 are all spelled out.

13 MS. CARITIS: I don't believe
14 we've been provided any deposition
15 transcripts so Tiffany, those were
16 requested so if you have them in your
17 possession, we request --

18 MS. ELLIS: Counsel, we
19 determined based on your deposition
20 notice that it did not qualify for
21 production and is not appropriate for
22 production in the case.

23 MS. CARITIS: He just referenced
24 it and is relying on it to support his
25 expertise. I'm happy to talk to you

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2 off the record but for the record,
3 consistent with our notice of
4 deposition, we would request any
5 transcripts within Mr. Weiner's
6 possession concerning his prior
7 testimony that he just referenced
8 himself.

9 MS. ELLIS: I'm happy to have
10 this discussion off the record but I
11 will represent to you that it's my
12 understanding this was not within the
13 bounds of what was requested in the
14 deposition notice.

15 BY MS. CARITIS:

16 Q. Mr. Weiner, are you relying --
17 you mentioned it was like the hotel -- is
18 it the Newport Hotel Group versus
19 InfoFusion case?

20 A. You were asking me about my prior
21 discusses on risk management and I'm not
22 going to disagree with Tiffany on the
23 legal matter but I did refer to ISO
24 standards in that case and I did provide
25 counsel with deposition in that case.

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2 Q. So you provided counsel with a
3 transcript of your deposition from the
4 Newport Hotel Group LLC for InfoFusion and
5 you're relying on that prior experience
6 regarding ISO standards; is that fair?

7 MS. ELLIS: Objection, form. I
8 think that misstates the evidence. He
9 simply said that that's a place where
10 he discussed the ISO standards.

11 THE WITNESS: Yeah, I didn't use
12 the word rely. I said as an example
13 where you asked a specific question
14 about where I had used risk
15 management, so I did not use the word
16 rely for the sake of this case, no.

17 BY MS. CARITIS:

18 Q. Plaintiff's counsel has that
19 transcript?

20 A. It is honest to represent that
21 plaintiff's counsel has that transcript.

22 Q. Why did you provide that specific
23 transcript to plaintiff's counsel?

24 A. Plaintiff's counsel had asked if
25 they could see a transcript of a recent

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2 deposition. I checked with the attorneys
3 in that case and they gave me that
4 permission.

5 Q. So that case, you said you relied
6 on the ISO standards there. Were you --
7 let's see if you told me, were you
8 retained by the Hotel Group or InfoFusion?

9 A. In that case, I was retained by
10 attorneys representing the Hotel Group.
11 I've never actually been retained by a
12 defendant or a plaintiff. I've been
13 retained by attorneys to provide expert
14 opinions in cases.

15 Q. What was the -- what were the
16 allegations in the Newport Hotel Group
17 case?

18 MS. ELLIS: Objection, form.

19 THE WITNESS: In the Newport
20 Hotel Group case, InfoFusion was
21 accused of not following standard
22 practices.

23 BY MS. CARITIS:

24 Q. Regarding what?

25 MS. ELLIS: Objection, form.

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2 THE WITNESS: InfoFusion provided
3 technology services to Newport Hotel
4 Group. Again this was a case where it
5 is available to see the -- it's in the
6 Rhode Island public forum for you to
7 see certain details, but I'm happy to
8 answer all those questions, but the
9 Newport Hotel Group was suing
10 InfoFusion over their industry
11 standard practices as a technology
12 service provider.

13 BY MS. CARITIS:

14 Q. Was InfoFusion providing
15 technology services concerning safety?

16 MS. ELLIS: Objection, form.

17 THE WITNESS: I'm going to help
18 both of us by saying InfoFusion was
19 not providing services regarding
20 physical safety.

21 BY MS. CARITIS:

22 Q. Okay, so I think my question
23 initially was whether in your prior
24 litigation service you've ever utilized
25 the ISO standards to analyze a company's

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2 prioritization of safety.

3 MS. ELLIS: Objection, form.

4 BY MS. CARITIS:

5 Q. And if I didn't answer that,
6 let's just ask it now.

7 A. I don't believe that was your
8 question.

9 Q. My fault, my brain.

10 Have you ever in your prior
11 litigation experience utilized ISO
12 standards to evaluate a company's
13 prioritization of safety features?

14 A. If you will allow me to do this,
15 I will reword that answer. I have never
16 provided expert testimony on the use of
17 ISO standards as it relates to physical
18 safety features.

19 Q. Thank you for the clarification.

20 So far we've talked about two
21 cases, prior litigation experience cases,
22 where you have utilized ISO standards.
23 Are there any other of your -- I think you
24 told me 25, about two dozen cases where
25 you've analyzed the ISO standards in

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2 connection with your expert report or
3 testimony?

4 A. If you'll bear with me just a
5 second, I'm thinking through 25 things to
6 give you a precise answer.

7 The Newport Hotel Group and the
8 Bank versus Bank Software Company were the
9 two cases where I relied on ISO standards
10 to help augment my professional experience
11 and to explain them so those are the only
12 two.

13 MS. CARITIS: I will say given we
14 went on and off the record a few
15 times, I have no idea how long we're
16 going so when we're at an hour,
17 Tiffany or other folks, let me know.
18 I completely lost track of time.

19 MS. ELLIS: We're very close to
20 it now.

21 MS. CARITIS: I'm happy to take
22 a break if we want to go off the
23 record.

24 THE VIDEOGRAPHER: We are going
25 off the record. This is the end of

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media unit 3. The time is 12:26.

(Lunch recess taken at
12:26 p.m.)

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2 A F T E R N O O N S E S S I O N

3 (Time noted: 1:12 p.m.)

4 B R U C E W E I N E R, resumed and
5 testified as follows:

6 THE VIDEOGRAPHER: We are back on
7 the record. This is the beginning of
8 media unit 4. The time is 1:12.

9 CONTINUED EXAMINATION

10 BY MS. CARITIS:

11 Q. Good afternoon, Mr. Weiner, we're
12 back from our lunch break. And I want to
13 start by diving in a little bit on some of
14 the specifics in your report so I'm going
15 to be referring to it again. It's my
16 understanding you have that paper copy in
17 front of you.

18 A. (Indicating).

19 Q. Great. If you could please take
20 a look at paragraph 29.

21 A. Yes.

22 Q. Except I'm realizing I got ahead
23 of myself. Can we please go to 9, please,
24 first? I'm sorry, I'm going to get it,
25 paragraph 5 on page 2.

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2 A. Yes.

3 Q. Okay. Mr. Weiner, this morning
4 we talked a lot about your experience, a
5 lot about the litigation work that you've
6 done. I want to now talk about some of
7 the specifics that you flagged for me a
8 few times. It starts at the very bottom
9 of paragraph 5 on the page 2 and then it
10 goes to page 3.

11 Curtis, if we could see the top
12 of page 3. Perfect.

13 All right. You include the
14 sentence at the end of your paragraph 5,
15 "This included products that incorporated
16 multiple safety-related features,
17 including physical safety (safety from
18 assault) as applicable to this case."

19 So first off, Mr. Weiner, thank
20 you there for kind of giving us that
21 clarity that we're working with
22 throughout. When we have this discussion,
23 I'm going to be talking about physical
24 safety that I view and understand as
25 distinct from a financial crime or

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2 something else that could be offensive to
3 an individual that is not physical safety.
4 Is that fair?

5 A. Yes, I use the term physical
6 safety myself, absolutely. Happy to do
7 so.

8 Q. Okay, great. So I want to now
9 talk about the specific products that you
10 are referring to at the end of paragraph 5
11 and throughout your report that
12 incorporated, quote, multiple
13 safety-related features, including
14 physical safety (safety from an assault).

15 And based on my review of your
16 report, the first time I see you flag one
17 of these physical safety-related features
18 is in paragraph 9.

19 A. Correct.

20 Q. In paragraph 9 you're discussing
21 experience from 1994 to 1998 when you
22 worked at the First Manhattan Consulting
23 Group. Do you see where I am?

24 A. I do.

25 Q. And it was -- FMCG was a

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2 management consulting firm contracted by
3 financial services firms; right?

4 A. That is right.

5 Q. And you identify in the next
6 sentence in this role, "I worked for a few
7 banks on software products on features
8 focused on physical safety of customers
9 engaging with ATMs especially late at
10 night and in high-risk areas."

11 Do you see where you wrote that?

12 A. I do. I see that right here on
13 the page.

14 Q. What banks did you work for
15 concerning software products with features
16 focused on physical safety?

17 MS. ELLIS: Objection, form. To
18 the extent that you can answer and
19 it's not confidential, feel free.

20 THE WITNESS: As I mentioned it
21 has been a pattern of behavior in all
22 the cases I have worked on that I do
23 not disclose the names of clients and
24 consulting engagements that are under
25 prior confidentiality agreements. I

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2 can say that the three banks that I'm
3 specifically referring to here are
4 large money center banks in the
5 New York area that have large ATM
6 networks around the world.

7 BY MS. CARITIS:

8 Q. All right. I understand you're
9 unable to provide specifics but first you
10 defined few as three banks; is that right?

11 A. This particular term when I said
12 few, I am specifically referring to three.

13 Q. Okay. And to the extent they all
14 utilize different software product
15 features, please let me know but I'm going
16 to ask a broader question.

17 Can you please describe the
18 software products with features that
19 focused on physical safety of customers?

20 A. Sure. They were different for
21 each one. As I'm sure you can imagine,
22 the physical safety of customers in an ATM
23 setting is an important inherent risk,
24 foreseeable risk that builders of software
25 for people interacting with ATMs and

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2 scheduling resource around ATMs need to
3 consider. We're talking about cash, we're
4 often talking about late at night, we're
5 talking about sometimes being exposed on
6 streets in high crime areas. This is an
7 area of consideration that is extremely
8 important for the makers and those who
9 manage ATM networks.

10 So in one case, we were working
11 on a piece of software whose job it was to
12 schedule security guards and cash
13 operators to pull and feed cash into ATMs
14 and we very much considered safety risks
15 in the development of that software.

16 And another we were working on
17 one of the early cellular-based models for
18 streaming video from an ATM because these
19 were ATMs in locations that did not have
20 hardwired connections for the ATM to
21 stream and communicate information.

22 And then the third case we were
23 dealing with considerations of lighting
24 systems and physical office capabilities
25 and security doors for getting people in

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2 and out of ATM locations, the kind of
3 things that were recorded in the vicinity
4 of the ATM and the lighting systems that
5 were used to help illuminate the area.

6 Q. I want to break that down. You
7 say software products with features. That
8 would refer to the first product you
9 identified and that was software that
10 assisted with scheduling of security
11 guards and other individuals that would be
12 physically handling the cash in the ATMs?

13 A. In that particular case, we were
14 talking about that software, yes.

15 Q. Okay. When you were engaged with
16 this client, I understand you can't give
17 me the name, this bank, they already had
18 ATMs in place I assume; is that right?

19 A. They did have ATMs in place in
20 some locations. This particular project
21 was about expanding that ATM network.

22 Q. Okay. And is it fair to say that
23 you were -- you and your team were tasked
24 with consulting related to the expansion
25 of ATMs beyond kind of the initial ATMs

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2 that were already available; is that
3 right?

4 A. We were looking at the expansion
5 of ATM network, our particular engagement
6 had to do with making sure we took into
7 consideration, and again the term
8 foreseeable risks extending back to that
9 time, foreseeable risks and consumer
10 protections as it related to those ATMs.

11 Q. I want to make sure I understand
12 the timing. So were you engaged by the
13 bank? The bank said hi, we want to put a
14 few more ATMs in the market, what do we
15 need to do? That's option one. Or two,
16 did the bank say hi, we're putting some
17 ATMs in, figure out ways to make them
18 safer? Was one of those the engagement?

19 A. We need to build software to
20 support expanding our ATM network, we need
21 you to consider everything and help us
22 build the requirements for that software
23 product that will allow us to expand that
24 network.

25 Q. And along with -- was there ever

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2 a suggestion that the bank just not expand
3 their ATMs; if there's a risk of physical
4 injury, just don't expand?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: That's '94 and '98.

7 I'm not sure I can recall that
8 particular discussion ever happening.
9 What we found in that engagement to
10 the best of my recollection was there
11 were various types of risks and we
12 came up with various types of
13 mitigants. And looking holistically
14 at the features, the benefits, the
15 risks and the mitigants, I can tell
16 you they did choose to roll out the
17 network but I cannot remember a
18 specific discussion that was related
19 to maybe we just shouldn't do this.

20 BY MS. CARITIS:

21 Q. After the software product was
22 implemented, were there still incidents of
23 personal safety concerns?

24 MS. ELLIS: Objection, form. To
25 the extent you know.

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2 THE WITNESS: Sure. I'm trying
3 to think.

4 I can recall an incident at that
5 client after we rolled out the
6 software.

7 BY MS. CARITIS:

8 Q. Okay. You said that there was
9 another safety product involved in this
10 engagement with banks concerning lighting
11 systems and other -- I wrote down doors,
12 other security features. There, can you
13 explain how that's software related?

14 A. Sure. The company engaged us and
15 a real estate consultancy, there were two
16 of us working on this together, the real
17 estate consultancy was worried about the
18 physical location and we were worried
19 about evaluating a piece of software that
20 they could buy to control the lights and
21 the doors. And in the evaluation of that
22 software, we took physical safety risks
23 into consideration in evaluating the
24 products that had been built.

25 Q. It sounds like the product you

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2 just referenced to lights and safety
3 doors, that's a safety product, those are
4 safety products in of themselves; fair?

5 A. Lights impact safety, door usage
6 impacts safety, and the software product
7 that we were buying impacts safety. They
8 are all -- I have worked on products as
9 they relate to all sorts of risks for my
10 whole career. Safety is something often
11 considered. I have highlighted those
12 particular examples for the judge in this
13 case where my experience was most like the
14 safety risk that we were looking at in
15 this particular case.

16 Q. I'm trying to understand, so with
17 Uber, you're looking at a broader product,
18 right, that is the Uber platform, and
19 you're analyzing what they did and didn't
20 do in terms of safety within the broader
21 platform; right?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: At Uber I'm looking
24 at the product development lifecycle
25 and the prioritization choices they

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2 made and how that impacted the entire
3 set of features, including features
4 specifically designed to prevent
5 against sexual assault.

6 BY MS. CARITIS:

7 Q. Right. So it sounds to me like
8 the experience that you're referring to
9 for First Manhattan Consulting Group and
10 the ATMs, there you were tasked with
11 putting into the market a particular
12 product that in and of itself was a safety
13 product. So you had a scheduling software
14 that would get security guards scheduled
15 at the appropriate time, and then you have
16 something about lights and safety doors.

17 Were you ever involved in
18 developing a broader product like the ATMs
19 on the whole and having to prioritize
20 features that would be rolled out across
21 the broader product?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: I think you're
24 asking if I ever was involved in the
25 design of an ATM system. Is that what

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2 you're asking?

3 BY MS. CARITIS:

4 Q. Yes.

5 A. Yes, I helped two clients during
6 that time period with the implementation
7 and design of an ATM system where they did
8 not have one before. I did not list those
9 here because I was listing here those
10 specific to the implementation of the
11 physical locations of the ATMs. The ATM
12 network that I worked on was looking at
13 the cash management and internal
14 communications to build an ATM network.
15 We did not actually look into the physical
16 locations of those networks.

17 Q. Okay. And when you were involved
18 with an ATM, the development of an ATM
19 network, you did not in those situations
20 incorporate any features focused on
21 physical safety of customers?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: In the development
24 of the ATM network, we considered
25 reporting features in order to have a

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2 record of what happened in front of
3 the ATM. That type of video has been
4 used for many years by law enforcement
5 officers in the event of safety issues
6 that occurred in front of ATMs so I
7 don't know if I could completely agree
8 with your characterization but we did
9 not look at locations or high-risk
10 areas. We were just looking at making
11 sure the ATMs recorded what happened
12 in front of them.

13 BY MS. CARITIS:

14 Q. I'll talk a little bit -- I want
15 to talk a little bit about the recording
16 in a second but when you were analyzing
17 the development of an ATM network, you
18 didn't consider whether it was a high-risk
19 area; right?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: The work I did on
22 those two particular examples about an
23 ATM network did not consider risks of
24 the locations of the ATMs at all.

25 ///

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2 BY MS. CARITIS:

3 Q. Did you take into account and
4 consider that individual's use of ATMs
5 late at night when it is dark outside?

6 A. In the three specific examples
7 that I highlighted earlier that we talked
8 about two of them in some detail, we very
9 much had reports on safety issues that
10 happen late at night, absolutely.

11 Q. I'm talking about the times when
12 you actually developed the ATM network
13 more broadly, not where you were working
14 on the specific safety product features
15 that we discussed.

16 MS. ELLIS: Is there a question,
17 Counsel?

18 MS. CARITIS: That's my question.
19 I'm asking him about those instances
20 if he ever took into account that
21 individuals often utilize ATMs late at
22 night when it is dark.

23 MS. ELLIS: Objection, form.

24 THE WITNESS: When discussing
25 with the hardware manufacturers the

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2 camera capabilities that they were
3 going to include in the ATM network,
4 we did have discussions about low
5 lighting times. Is that what you're
6 asking?

7 BY MS. CARITIS:

8 Q. I'm asking in the product
9 development lifecycle, the whole thing
10 we're here to talk about today, when you
11 were developing the ATM networks, did you
12 take into account that individuals often
13 could use the ATMs at night when it's
14 dark?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: When building the
17 software to implement ATM network, we
18 did not have on our radar a
19 foreseeable risk of using the ATMs at
20 night because we were not looking into
21 locations, we were looking at the
22 technology to talk to a physical
23 device.

24 BY MS. CARITIS:

25 Q. Okay, you said you worked with

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2 three banks and talked about the software
3 for security, scheduling security, we
4 talked about light systems and doors, and
5 I'm sorry, I know you articulated the
6 third but what was the third product
7 safety -- excuse me, software product with
8 features focused on physical safety of
9 customers engaging with ATMs?

10 A. Why don't I write them down -- we
11 spent a lot of detail on this a long time
12 ago.

13 Can we go back to what I said
14 before? Give me a second.

15 The cellular-based streaming
16 video from an ATM was the third.

17 Q. And what did that product entail,
18 what were you streaming?

19 A. We were streaming the video from
20 the physical device on the ATM to
21 recording servers at the bank location.

22 Q. So in layman's terms, there was a
23 camera connected to an ATM that would
24 stream, that would capture footage from
25 the ATM and then stream it to another

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2 device; did I get that right?

3 A. To be a little more specific,
4 there was a camera that would capture
5 footage and when the cellular signal
6 allowed, would stream the recorded video
7 to a capture device at the bank.

8 Q. What was the purpose of that
9 streaming, cellular-based streaming
10 device?

11 A. This particular bank had had a
12 couple of incidents where the device had
13 actually been destroyed and they had lost
14 access to the footage. They have built
15 for physical wired devices the capability
16 and were looking at building a capability
17 for devices that could not be physically
18 wired but hope to leverage the cellular
19 networks.

20 Q. So this was the placement camera,
21 for lack of a better term?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: We didn't replace
24 the camera. This was a new way to get
25 the data back to their headquarters.

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2 BY MS. CARITIS:

3 Q. How -- it wasn't live stream
4 though; right? You said it would stream
5 it up when the cellular signal allowed?

6 A. It was not live streamed most of
7 the time. The most common occurrence at
8 that time was the recording would happen
9 and when the cellular signal was capable,
10 it would stream immediately after.

11 Q. What would the banks do, why did
12 they want this footage?

13 A. This particular bank was reacting
14 to two incidents where the actual ATM
15 device had gotten destroyed and the
16 footage about what happened had got
17 destroyed and they wanted a way to capture
18 the footage.

19 Q. So for this cellular-based
20 streaming device, that was installed to
21 ensure that the ATM itself was not
22 destroyed or impacted in any way?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: The two incidents
25 that triggered this client starting

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2 this engagement was someone physically
3 taking and destroying the ATM.

4 BY MS. CARITIS:

5 Q. So the best of your knowledge,
6 this cellular-based streaming product was
7 not put in place as a result of concerns
8 regarding physical safety for ATM patrons?

9 MS. ELLIS: Objection, form.

10 THE WITNESS: In the product
11 development lifecycle we considered
12 many risks, but one of the risks we
13 specifically considered was the risk
14 of physical safety, particularly from
15 theft of the patrons and trying to
16 design this product in a way where
17 there was high-risk areas we had
18 better streaming and better cameras.

19 BY MS. CARITIS:

20 Q. Mr. Weiner, you just told me that
21 the two incidents that led the bank to ask
22 you all to make this cellular-based
23 streaming camera were when individuals
24 attempted to destroy the ATM itself;
25 right?

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2 A. Successfully destroyed the ATM.

3 Q. The two incidents that you're
4 aware of that led the bank to ask you all
5 to create them this cellular-based camera
6 had nothing to do with physical safety;
7 right?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: I don't think we
10 know because the devices were
11 destroyed and there was no footage.
12 What I can tell you is as we
13 considered the new product, we took
14 into consideration the safety of the
15 patrons and the overall crime
16 statistics and risks in different
17 areas in designing this software and
18 where to deploy it.

19 BY MS. CARITIS:

20 Q. I'm a little confused about what
21 you mean by product development lifecycle
22 here. So Mr. Weiner, you just explained
23 to me that you were asked by a bank to
24 create a product because their current
25 cameras were getting destroyed; right?

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2 A. I was asked by a bank to create a
3 product, and the triggering event that
4 caused them to make that request were two
5 cameras being destroyed.

6 Q. Okay. Did the bank ever tell you
7 that they were asking you to make their
8 cellular streaming camera because they
9 were worried about patron safety?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: I do not recall the
12 specific conversation where the bank
13 mentioned patron safety. I'm speaking
14 to my experience in product
15 development and in that case, I
16 personally chose to consider patron
17 safety as a foreseeable risk in the
18 development of the features that led
19 to the product.

20 BY MS. CARITIS:

21 Q. We talked about the three times
22 that you say that you worked on software
23 products with features focused on physical
24 safety in connection with banks.

25 A. Yes.

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2 Q. There's a second reference a
3 little bit later in your report concerning
4 additional products that you say focus on
5 personal safety and that was through some
6 work at United Airlines. You identify it
7 on paragraph 13.

8 A. Yes.

9 Q. Here you say -- well, I guess
10 just to clarify, do you know within your
11 work at First Manhattan Consulting Group
12 when these three banking engagements were?
13 We know they were between 1994 and 1998.
14 Do you have any more specific recollection
15 of when the last engagement of these three
16 would have been?

17 A. I honestly cannot recall that
18 specific. I apologize.

19 Q. But the latest it could have been
20 was 1998; is that fair?

21 A. It was during that time.

22 Q. So then you note in paragraph 13
23 of your report that during your time at
24 United Airlines, you "worked on pilot and
25 flight attendant-focused products that

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2 required balancing feature development
3 with operational requirements, including
4 personal safety requirements. One of
5 those products matched pilots and flight
6 attendants with safe and appropriate
7 transportation and lodging, taking into
8 account gender matching and locations in
9 late-night, high-crime areas."

10 Do you see that?

11 A. I see that. I wrote that myself.

12 Q. Okay, I want to talk a little bit
13 about what this product was.

14 First off, I know you were at
15 United in 2002. Do you recall
16 approximately when you would have worked
17 on this product?

18 A. I worked on this product when I
19 was managing director of strategic
20 sourcing so that would be in my later time
21 at United.

22 Q. So it would have been -- when did
23 you leave United? 2005. So at the
24 latest, it would have been 2005; is that
25 fair?

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2 A. It was 2004, 2003 at United.
3 Both in that product, as I mentioned,
4 later at Novantas I continued to work in
5 the launch of the common software platform
6 for the Star Alliance so my engagement
7 with that product lasted probably five
8 years.

9 Q. So let's talk a little bit about
10 this product. You said earlier when we
11 were looking at your résumé that this was
12 in connection with a central reservation
13 system; is that right?

14 A. Yes, the provider of the central
15 reservation system was the provider of the
16 hoteling and transportation system that
17 was provided to flight attendants and
18 pilots.

19 Q. So just high level, when you have
20 a flight attendant or a pilot that either
21 has a layover or just time before their
22 next trip, the airline provides them
23 accommodations during their layover; is
24 that right?

25 A. That is.

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2 Q. Okay. And what you were helping
3 design was a central reservation system
4 where these flight attendants and pilots
5 could go in order to book accommodations?

6 A. Correct.

7 Q. Is that right?

8 A. That's correct.

9 Q. And you note -- you write here
10 that that product took into account
11 operational requirements. What are you
12 referring to there?

13 A. We considered quite a number of
14 factors and used rules to do some of the
15 matching, not quite as sophisticated as
16 Uber did but we were using some pretty
17 basic rules to say, one, let's -- when we
18 had to put two people on a hotel room,
19 let's match on the same genders; and two,
20 we collected data throughout the year on
21 crime statistics and looked at hotels that
22 were deemed safer.

23 Q. Okay. So maybe I don't
24 understand the complexities of the
25 reservation system so I want to understand

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2 a little more.

3 You talked about matching, so am
4 I understanding you correctly that one
5 aspect of this pilot and flight attendant
6 reservation system is that it might pair
7 two pilots, two flight attendants together
8 to be in the same hotel room; is that
9 fair?

10 A. Depending on the location and the
11 availability, there were times when we
12 would pair flight attendants in hotel
13 rooms.

14 Q. So when you talk about taking
15 into account gender matching, are you
16 referring to a program that would ensure
17 that two flight attendants or two pilots
18 that were sharing a hotel room were of the
19 same gender?

20 A. I am specifically recalling an
21 incident where we matched a pilot -- two
22 flight attendants of different genders and
23 we had to build a feature enhancement to
24 ensure that didn't happen again.

25 Q. Okay. So again, okay. So other

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2 than building a feature in your
3 reservation system to ensure two pilots or
4 flight attendants of different gender
5 aren't put in the same hotel room, were
6 there any other instances where you took
7 into account gender matching as you
8 identified in your report?

9 MS. ELLIS: Objection, form.

10 THE WITNESS: I'm going to have
11 to say that I don't remember the 2002
12 specifics at that level of detail. I
13 do personally remember the two flight
14 attendant situation because that one
15 sort of stuck with me. I cannot
16 specifically recall if we had any
17 other rules related to gender.

18 BY MS. CARITIS:

19 Q. Were you involved in the initial
20 product development of the central
21 reservation system?

22 A. No, I came in later in the life
23 of the central reservation system. I took
24 over the role, as mentioned, director of
25 strategic sourcing with responsibility for

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2 that relationship.

3 Q. So fair to say that the first
4 person wasn't you. The first person
5 charged with the product development
6 lifecycle of the central reservation
7 system forgot to take into account that
8 you probably shouldn't match two people of
9 different genders to sleep in the same
10 hotel room; right?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: I do not believe I
13 can assign the responsibility of that
14 mistake that happened to a choice of a
15 human. I can definitely say that
16 mistake happened. We learned from it
17 and we improved the product. That's
18 part of risk management in the product
19 development lifecycle. You learn new
20 things, you improve, you get better
21 products.

22 BY MS. CARITIS:

23 Q. Were there any other time
24 instances where you took into account
25 gender matching in your product

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2 development work?

3 A. In my personal product
4 development work, that is the one time
5 that I can recall at this stage.

6 Q. Why did you decide to emphasize
7 gender matching here?

8 A. I was considering my past work
9 that might be relevant to someone in the
10 role of a judge considering my expertise
11 and I wanted to highlight a time in my
12 past that I had a particular experience
13 that would potentially resonate.

14 Q. Okay. So it's your position that
15 because you realized that airlines
16 shouldn't assign two flight attendants of
17 different genders to the same hotel room,
18 you're qualified to opine on whether or
19 not Uber should or shouldn't utilize a
20 women rider preferred program?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: I'm sorry, I'm
23 really struggling with that question.
24 Do you want to try and break it down a
25 bit? What I can tell you and I

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believe is responsive is I believe that the whole of my experience speaks to 37 years of product development experience across all sorts of risks and mitigants, features, development, prioritization approaches in industries, in government, in large corporations, in transportation and financial services, and travel and in loyalty, and in going back through my background, I thought it relevant to highlight a few examples where I had particular relevance in personal safety feature development. I don't think if I had any it would speak to my ability to opine on personal safety feature development because it's just another risk that happens in the product development lifecycle. What I'm telling you is that I highlighted these examples because I felt they were particularly relevant.

BY MS. CARITIS:

Q. That's what I'm asking. So you

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2 think it's particularly relevant to this
3 case that in designing a reservation
4 system for flight attendants, you
5 determined that you shouldn't match two
6 flight attendants of different genders to
7 room in the same hotel room?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: I think it's
10 relevant that in this time period we
11 were building rules-based systems that
12 took personal safety into
13 consideration.

14 BY MS. CARITIS:

15 Q. Is it your position that Uber
16 doesn't take personal safety into
17 consideration into the development of its
18 product?

19 MS. ELLIS: Objection, form.

20 THE WITNESS: We can go back to
21 my opinions if you like but the
22 specific question you just asked is do
23 I believe Uber does not take into
24 consideration personal safety and my
25 answer to that question as evidenced

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2 by the personal safety products they
3 developed is they do take into
4 consideration personal safety.

5 BY MS. CARITIS:

6 Q. You also go on to talk about how
7 you also took into account locations in
8 late-night, high-crime areas when
9 developing the central reservation system.
10 How did you take into account these
11 late-night, high-crime areas?

12 A. We collected data and used a
13 rules based approach to prioritize or
14 de-prioritize hotels based on the crime
15 statistics that we gathered.

16 Q. So based on the likelihood of --
17 well, based on the prevalence of crime at
18 or near a particular hotel, you would
19 remove it from the central reservation
20 system; is that right?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: We would use a
23 rules based approach to prioritize or
24 de-prioritize it. We did not always
25 remove it. Sometimes we left it as a

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2 last resort.

3 BY MS. CARITIS:

4 Q. Got it, okay. So even if a hotel
5 was found to be riskier than another
6 hotel, you would leave it as an option but
7 it would be a lower choice, a lower
8 option?

9 MS. ELLIS: Objection, form,
10 misstates the testimony.

11 THE WITNESS: What I'm saying is
12 we used a rules-based approach to
13 prioritize and de-prioritize hotels
14 based on data that we collected. We
15 did not have anything as sophisticated
16 as a machine-learning model. We used
17 very simple rules to prioritize or
18 de-prioritize based on data that we
19 collected.

20 BY MS. CARITIS:

21 Q. You could have built a
22 machine-learning model; right?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: At the time with
25 the resources that I had, we did not

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2 have machine-learning capabilities in
3 the central reservation system. We
4 had rules-based capabilities.

5 BY MS. CARITIS:

6 Q. You write in your footnote 2 that
7 United Airlines carried 67 million
8 passengers in 2005 for a total of 114
9 billion mainline revenue passenger miles.

10 Do you see that?

11 A. I wrote that, yes.

12 Q. Do you know what United Airlines'
13 profits were back in 2002 to 2005?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: I do not have that
16 data point immediately available, no.

17 BY MS. CARITIS:

18 Q. Do you know how many pilots and
19 flight attendants United Airlines employed
20 at that time?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: I cannot recall
23 that number at this time.

24 BY MS. CARITIS:

25 Q. Do you know how many pilots or

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2 flight attendants alleged personal safety
3 incidents in connection with their
4 accommodations during layovers?

5 A. I can recall that that number was
6 smaller than other things that we were
7 looking to, it was a smaller number.

8 Q. Smaller number than what other
9 things you were looking into?

10 A. We prioritized all sorts of
11 features in the product development
12 lifecycle. We prioritized features that
13 got them faster. We prioritized features
14 that made sure they had a choice of hotel
15 brands. We prioritized features that
16 focused on getting them to and from the
17 airlines' location quickly.

18 When I say smaller, I can
19 basically say that the personal safety
20 reports that we were dealing with were not
21 as large as those other three issues that
22 I just mentioned.

23 Q. I understand. You're saying
24 again your product development lifecycle,
25 you had personal safety issues but then

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2 you had other higher priority risks that
3 you all had to consider?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: We considered all
6 of the risks and all of the rewards to
7 build the best prioritization that we
8 could considering the product risks
9 and the timeline, and we attempted to
10 always use industry standard
11 approaches.

12 BY MS. CARITIS:

13 Q. You also note that you worked --
14 one of these products worked to identify
15 appropriate transportation. What's that
16 referring to?

17 A. The transportation between the
18 airport and the hotel.

19 Q. What were some forms of
20 transportation that United relied on to
21 ensure that its pilots and flight
22 attendants got from the airline to the
23 hotel?

24 A. We had buses and shuttles as the
25 primary vehicles, and in some smaller

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2 airports we occasionally refunded taxi
3 fares.

4 Q. Did you consider incident rates
5 of physical violence that occur on taxis
6 when considering whether to utilize taxis
7 for the central reservation system?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: I can recall that
10 we considered taxis riskier than buses
11 and shuttles and had rules to try and
12 minimize their use because we were
13 aware taxis had a higher risk profile
14 than the bus or the shuttle.

15 BY MS. CARITIS:

16 Q. So we just now talked about your
17 experience working with three banks on
18 software products in connection with ATMs
19 and about your work while you were at
20 United and a little bit with Novantas
21 regarding the central reservations
22 network.

23 Aside from those two buckets of
24 experiences, are there any other
25 experiences that you would identify as

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2 falling into the products that include
3 personal safety?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: As I wrote the
6 words products including physical
7 safety (safety from an assault), those
8 are the specific products that I was
9 calling attention to. The question
10 was are there any others?

11 BY MS. CARITIS:

12 Q. Yes.

13 A. What I'm thinking about is the
14 multitude of products, the hundreds of
15 things that I have worked in over 37
16 years, and while none of them strike me
17 specifically on safety from assaults, the
18 risks that we considered were widespread,
19 had all sorts of different flavors, had
20 all sorts of different priorities and we
21 used industry standard approaches to build
22 those products.

23 I applied the whole of that
24 experience in evaluating the documents
25 that were provided to me in this case and

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2 in forming my opinions, and I stand on the
3 basis for those opinions that I wrote in
4 this report.

5 Q. Paragraph 29 you talk to and
6 refer to industry standards. You have
7 used that term a few times today as well.
8 But industry standards, you're talking
9 about product development industry
10 standards; is that right?

11 A. I am talking about primarily
12 industry standards related to technology
13 product development and product
14 development lifecycle. I have referred to
15 a few standards in my report, specifically
16 HAZOP studies industry standard looks at
17 risk-based evaluation and FMEA, Failure
18 Mode and Effects Analysis industry
19 standards, which also look at evaluating
20 critical risks in a product development
21 lifecycle.

22 So yes, I've enumerated all the
23 industry standards I rely on but what I
24 made very clear is that the sum of my
25 experience has built my knowledge on

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2 industry standards and I'm relying on ISO,
3 IEC and IEEE documents to help the trier
4 of facts understand that it's not just my
5 experience but that standards bodies have
6 written these down and documented them for
7 use. So I'm basically saying that we have
8 my experience and we have the standards
9 and collectively I have looked at all of
10 them in evaluating the discovery presented
11 to me.

12 Q. And Mr. Weiner, you're not
13 talking about the rideshare industry or
14 any standard specific to the rideshare
15 industry; right?

16 MS. ELLIS: Objection, form.

17 THE WITNESS: You and I are
18 struggling to accept the existence of
19 a rideshare industry but to try and be
20 responsive to your question I'll
21 rephrase it, as I am not providing you
22 information on any experience with the
23 standards at the rideshare companies,
24 Uber, Lyft or any other rideshare
25 company.

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2 BY MS. CARITIS:

3 Q. The standards that you write you
4 are -- the primary document and
5 international standard you reference is
6 the ISO 31000; is that right?

7 A. ISO 3100 is the ISO standard
8 entitled Risk Management Guidelines and
9 covers risk management in product
10 development.

11 Q. Okay, and I want to talk just
12 very briefly about ISO international
13 standards generally. First off, ISO is
14 not based in the U.S.; right?

15 A. ISO is not based in the U.S. as
16 its corporate headquarters but many of the
17 experts that opine on their standards are
18 based in the U.S.

19 Q. Okay. But just to answer my
20 basic question, ISO is not based in the
21 U.S., it's based in Switzerland; right,
22 Mr. Weiner?

23 A. The ISO headquarters is in
24 Switzerland.

25 Q. ISO international standards

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2 generally are voluntary; right?

3 MS. ELLIS: Objection, form.

4 THE WITNESS: ISO standards
5 document standards in a comprehensive
6 way. I think what you're asking me
7 are companies required to follow them,
8 and so from my standpoint that is a
9 legal matter, not a standards matter.
10 So from the standards perspective,
11 they are recommended industry
12 standards.

13 BY MS. CARITIS:

14 Q. Would it surprise you to learn
15 that ISO itself says that they are
16 voluntary?

17 A. It would not surprise me for ISO
18 to say it's voluntary. I can tell you in
19 my personal experience in 37 years, there
20 are companies that require ISO standards
21 to be followed in order to be willing to
22 engage in a contract with a particular
23 entity. So the fact that ISO considers
24 themselves a body creating voluntary
25 standards isn't particularly applied to

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2 companies' choices and how and when to use
3 them.

4 MS. CARITIS: Okay. Mr. Delaney,
5 if we could please put up tab 11, I
6 have totally lost track. I think am I
7 on 7, Exhibit 7?

8 MR. DELANEY: Yes, 7.

9 MS. CARITIS: Thank you so much,
10 Curtis.

11 (Exhibit 7, document entitled
12 Foreward - Supplementary information,
13 marked for identification.)

14 BY MS. CARITIS:

15 Q. Exhibit 7 is the Foreward to the
16 ISO International Standards and national
17 law. I understand you want to give an
18 explanation but I just really want to
19 focus on the top section.

20 It says ISO International
21 Standards and national law. The very
22 first sentence reads, "ISO international
23 standards and other ISO deliverables are
24 voluntary."

25 Do you see where those words

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2 appear on the ISO document?

3 A. May I ask what document this is,
4 please?

5 Q. Sure, you can pull it down. I'm
6 sure Ms. Ellis will assist you in doing
7 that so we don't waste time but you can
8 download it and then take a quick look but
9 this is the foreward from ISO itself.
10 Feel free to take a second to give
11 yourself -- get acclimated with it.

12 MS. ELLIS: It just appeared in
13 the Box so give us one moment.

14 MS. CARITIS: Sure.

15 THE WITNESS: I am not clear what
16 document this is. This might be a Web
17 page. Is that an accurate
18 representation of where you pulled
19 this from?

20 BY MS. CARITIS:

21 Q. Yeah, it was pulled from the
22 Internet, that's right.

23 A. Okay, so you're telling me that
24 this comes from the ISO website?

25 Q. Yes.

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2 A. Okay.

3 Q. Have you reviewed -- let me know
4 when you're done reviewing and I'll ask
5 you some questions so we're not talking
6 over each other.

7 A. Do you have the URL where this
8 was pulled from?

9 Q. I can find it at the next break
10 but I'll represent to you that this comes
11 directly from the ISO website. Have you
12 ever seen this document before?

13 A. I do not recall ever seeing this
14 specific page before.

15 Q. Okay. Do you disagree with the
16 statement that appears on the ISO document
17 that ISO international standards or other
18 ISO deliverables are voluntary?

19 A. I have no reason to believe that
20 ISO is not being truthful when they say on
21 this Web page that their standards are
22 voluntary.

23 Q. So we've already referenced this
24 but you would agree then that Uber is not
25 required to take into account ISO in its

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2 product development?

3 MS. ELLIS: Objection, form.

4 THE WITNESS: As written in my
5 opinions, I have not stated a
6 requirement to follow ISO standards.
7 That is your representation.

8 BY MS. CARITIS:

9 Q. The next line here in that top
10 portion again pulled directly from the ISO
11 website, "They do not include contractual,
12 legal or statutory requirements.
13 Voluntary standards do not replace
14 national laws, with which standards users
15 are understood to comply and which take
16 precedence."

17 Do you see that?

18 A. I do see that and that aligns
19 with my understanding.

20 Q. Okay. So fair to say voluntary
21 standards, they don't replace or supplant
22 any national laws that Uber or any company
23 would actually comply with; right?

24 A. An ISO standard as both stated
25 here and in my experience does not replace

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2 or supersede any laws in any jurisdiction
3 or country.

4 Q. Did you review federal
5 discrimination laws that may be relevant
6 to Uber's product development in the
7 context of your report?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: I did not review
10 any discrimination laws that are
11 relevant to Uber's business as part of
12 my considerations for this report.

13 BY MS. CARITIS:

14 Q. Did you review or consider
15 Arizona rideshare regulations in
16 connection with your report?

17 MS. ELLIS: Objection, form.

18 THE WITNESS: I did not review
19 Arizona rideshare regulations in
20 consideration for my report.

21 BY MS. CARITIS:

22 Q. Did you review or consider
23 Arizona discrimination laws in connection
24 with your report?

25 MS. ELLIS: Objection, form.

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2 THE WITNESS: I am not a lawyer
3 and I can maybe make this easier for
4 you by saying I did not review any
5 laws in consideration of my report.

6 BY MS. CARITIS:

7 Q. Okay. So you also didn't review
8 or consider Arizona privacy laws; is that
9 right?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: I did not review
12 Arizona privacy laws as in a factor in
13 my report.

14 BY MS. CARITIS:

15 Q. Do you know why I'm asking you
16 about Arizona?

17 A. I'm assuming that you're asking
18 me about Arizona due to its relevance in
19 this case.

20 Q. What do you mean by relevance in
21 this case?

22 A. I have reviewed in the last 24
23 hours the complaints from Wave 1 cases and
24 I have reviewed the depositions in the
25 Wave 1 cases and I'm familiar that one of

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2 them is in Arizona.

3 Q. So 24 hours ago you learned that
4 one of the five bellwether plaintiffs is
5 alleging an incident that occurred in
6 Arizona, do I understand that correctly?

7 MS. ELLIS: Objection to form,
8 misstates his testimony.

9 THE WITNESS: That's not what I
10 said. What I said is in the last 24
11 hours I reviewed the complaints and
12 deposition testimony. I was aware
13 that one of the cases was in Arizona
14 before that.

15 BY MS. CARITIS:

16 Q. When did you learn one of the
17 cases was in Arizona?

18 A. I cannot recall the specific date
19 that I learned that one of the cases was
20 in Arizona.

21 Q. Would it have been before or
22 after you issued your report?

23 A. I am confident it was before I
24 issued my report.

25 Q. Okay. Where are the other

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2 bellwether plaintiffs located, where are
3 they alleging their incidents occurred?

4 A. If you need me to be specific, I
5 have the document here but I do not off
6 the top of my head, other than
7 Philadelphia, recall the other cities
8 specifically.

9 Q. Okay. Philadelphia, you might be
10 doing a report for another Uber case.

11 A. Okay.

12 Q. But in this one, we're talking
13 about Arizona and we just discussed that.
14 We're talking about North Carolina. Did
15 you -- you already told me you didn't
16 review any law so fair to say that you
17 didn't look into any rideshare
18 discrimination privacy laws in North
19 Carolina?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: Ms. Caritis, I am
22 not a lawyer and I am hopefully making
23 it clear, I did not review any legal
24 laws as it relates to my assessment of
25 the product development lifecycle.

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2 BY MS. CARITIS:

3 Q. And I know you said this but I
4 need to make my record and get clear
5 testimony so that's why I'm asking these
6 questions although I understand you're
7 saying you didn't look at anything.

8 You similarly did not review
9 rideshare regulations, discrimination laws
10 or privacy laws in California; correct?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: My report does
13 highlight a number of rideshare
14 regulations that I did review. I did
15 not review rideshare regulations in
16 California.

17 BY MS. CARITIS:

18 Q. So sitting here today, you don't
19 know whether there are any laws or
20 regulations that impacted Uber's product
21 development lifecycle?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: I have seen
24 extensive documentation from Uber on
25 what it prioritized and how it

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2 prioritized. I've also seen
3 significant redactions when talking
4 about legal issues so my awareness of
5 the legal issues due to the redactions
6 is limited compared to my awareness of
7 other issues but I have seen a
8 holistic set of documents that talk to
9 the prioritization process that Uber
10 follows.

11 BY MS. CARITIS:

12 Q. You just told me that you didn't
13 review any laws in connection with this
14 report; right?

15 A. I did not review any laws in
16 connection with this report.

17 Q. So you can't tell us one way or
18 the other whether there are rideshare,
19 privacy, discrimination or other laws that
20 impacted or would govern Uber's product
21 development. You don't know if those laws
22 exist?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: Here's what I can
25 tell you clearly. I'm not a lawyer

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2 and I don't intend or attempt to have
3 a legal opinion. I have seen
4 documents from Uber that were citing
5 legal reasons for making choices.
6 Many of those cite those reasons and
7 then are redacted in terms of the
8 explanations so my thoroughness was
9 limited by the data that I was
10 presented in terms of lawyers
11 assessing the laws, which is their
12 skill, versus the prioritization
13 process and product development
14 lifecycle which is my skill.

15 BY MS. CARITIS:

16 Q. If you were consulting Uber on
17 their product development lifecycle and
18 you learned that a specific product would
19 violate a law, would you recommend they
20 implement it anyways?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: The hypothetical
23 where I was a consultant and I had a
24 lawyer at Uber telling me that a
25 product would violate the law, I would

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2 not likely proceed to recommend that
3 product without further discussion and
4 further consideration because as
5 stated, I'm not a lawyer and I have
6 long learned to trust and rely upon
7 legal interpretations that come from
8 lawyers.

9 MS. CARITIS: Thank you for the
10 reminder. Can we please go off the
11 record, please?

12 THE VIDEOGRAPHER: We're going
13 off the record. This is the end of
14 media unit 4. The time is 2:13.

15 (Recess taken from 2:13 p.m. to
16 2:25 p.m.)

17 THE VIDEOGRAPHER: We're back on
18 the record. This is the beginning of
19 media unit 5. The time is 2:25.

20 BY MS. CARITIS:

21 Q. Mr. Weiner, we just took a short
22 break. We were talking a little bit about
23 ISO standards.

24 You would agree with me that
25 there's no ISO standards specific to

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2 preventing or reducing a sexual assault;
3 correct?

4 MS. ELLIS: Objection to form.

5 THE WITNESS: I'm thinking about
6 that for a second.

7 I think the most direct answer to
8 your question is I am not aware of an
9 ISO standard entirely focused on
10 reducing the risk of sexual assault.

11 BY MS. CARITIS:

12 Q. Okay. ISO 3100 is a broad risk
13 management standard; correct?

14 A. Absolutely. It covers many kinds
15 of risks. It is a risk management
16 standard, and as I mentioned, it supports
17 my personal experience in helping provide
18 a language for describing standards. It
19 is not intended to be a definitive
20 document.

21 THE VIDEOGRAPHER: Mr. Weiner,
22 your audio just is a little bit low.
23 I'm not sure if there's anything
24 sitting on top of your microphone.

25 THE WITNESS: I put a sticky with

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2 our colleague's name on it and I think
3 I put that over the microphone. I am
4 sorry, Ms. Caritis.

5 BY MS. CARITIS:

6 Q. Do you know if any other
7 rideshare company follows ISO 3100 or
8 other industry standards as you define
9 them in your report?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: I have not
12 personally had the opportunity to see
13 internal documents from another
14 rideshare company.

15 BY MS. CARITIS:

16 Q. And you've not come across any
17 public materials that have suggested to
18 you that another rideshare company follows
19 ISO 31000 or any of the other standards
20 you reference in this report?

21 A. I do believe in my research I did
22 see a rideshare company following an ISO
23 standard that I do not refer to in my
24 report. I just remember generally looking
25 in terms of research on rideshare and ISO,

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2 I did see that Lyft does put itself out
3 there as following a particular data
4 security standard.

5 Q. That's different than the
6 standard that you told us that you were
7 primarily focused on and that's ISO 3100;
8 right?

9 MS. ELLIS: Objection, form.

10 THE WITNESS: Correct. I did see
11 some fantastic documents within Uber
12 which I enumerate in my report that
13 shows that Uber was both aware of ISO
14 3100 and attempted to consider it in
15 their risk management practices.

16 BY MS. CARITIS:

17 Q. So you read my mind. So in your
18 report, you actually identify some
19 documents that you found internally at
20 Uber that reference the ISO standards; is
21 that right?

22 A. That is correct.

23 Q. If we could just -- I'll just
24 direct your attention to paragraph 96 of
25 your report. It's on page 45.

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2 Based on your work for this case,
3 you identify Uber documents that discussed
4 creating an ISO standard for gig economy;
5 right?

6 A. I did identify a document where
7 Uber executives were talking about a
8 desire to create an ISO standard for the
9 gig economy, as they called it.

10 Q. Have you -- are you aware of any
11 other rideshare company that has attempted
12 or considered creating an ISO standard for
13 the gig economy?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: I have no personal
16 knowledge or access to internal
17 documents that other rideshare
18 companies that would need to have an
19 awareness of their work or lack of
20 work on a gig economy ISO standard.

21 BY MS. CARITIS:

22 Q. When you were consulting for
23 various organizations or when you were
24 working directly at United, did you
25 personally ever reach out to ISO to

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2 approach them about creating a new
3 standard?

4 A. Let me think for a second.
5 There's only one time I participated in a
6 panel on creating a new standard and we're
7 going quite a ways back here. It was
8 during my time at American Express and
9 it's related to a technical standard
10 related to merchant processing.

11 Q. You also note in your report that
12 "Uber joined the U.S. Technical Advisory
13 Group for the development of an ISO
14 standard on privacy by design."

15 You see where you wrote that in
16 paragraph 96 of your report?

17 A. I both wrote that in paragraph 96
18 in my report and provided the citation to
19 the document where I saw that.

20 Q. So Uber proactively joined a
21 technical advisory group to assist in
22 developing an ISO standard; is that right?

23 MS. ELLIS: Object to form.

24 THE WITNESS: That is a fact that
25 I have documented in my report,

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2 absolutely.

3 MS. CARITIS: Okay. I'm going to
4 take a look now, it looks like you
5 have a hard copy in front of you which
6 is great, at ISO 3100. And for the
7 record, Mr. Delaney, if we could
8 please mark tab 14 as Exhibit 8.

9 (Exhibit 8, document entitled
10 Risk management -- Guidelines ISO
11 31000, marked for identification.)

12 BY MS. CARITIS:

13 Q. Since you have a paper copy in
14 front of you, hopefully we can refer to
15 that but feel free if it would be helpful,
16 Mr. Delaney can kind of scroll through or
17 at least maybe go to the back page to
18 ensure that the exhibit that we've entered
19 as Exhibit 8 is, in fact, the Risk
20 management -- Guidelines ISO 31000.

21 A. 310 2018(E) is the particular one
22 I have in front of me. I cannot see who
23 that one you're having there is licensed
24 to but I do believe it's not the one
25 licensed to me.

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2 Q. You didn't give us those so we
3 got them ourselves so this is licensed to
4 someone else.

5 A. Got it.

6 Q. Okay. So we see from the cover
7 page ISO 31000 is a risk management
8 guidelines; right?

9 A. Absolutely. That is the ISO
10 31000.

11 Q. Okay. And it's about a 15-page
12 document. Does that sound right to you?
13 I see I've got 16 pages, a bibliography,
14 and I would like to first take a look at
15 the introduction page.

16 A few pages in, Curtis, it's
17 intro v.

18 And it says that the -- at the
19 very top, "This document is for use by
20 people who create and protect value in
21 organizations by managing risks, making
22 decisions, setting and achieving
23 objectives and improving performance."

24 You see where the standard
25 articulates that objective?

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2 A. Absolutely. I am well aware of
3 the introduction.

4 Q. Okay. And you would agree that
5 this standard, it involves all types of
6 different risks companies can face; right?

7 A. I would agree that this is the
8 risk management standard covering all
9 types of risks relevant in the product
10 development lifecycle.

11 Q. In fact, I think of risk I think
12 bad, but ISO 31000 all makes clear that
13 risks can be positive or negative; is that
14 right?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: The management of
17 risks can lead to positive and
18 negative outcomes, yes.

19 BY MS. CARITIS:

20 Q. If we can take a quick look at
21 page 1, Mr. Delaney, of the body of the
22 document, we see a definition of risk.
23 And there it says, risk, effect of
24 uncertainty on objectives, Note 1 to
25 entry: An event [sic] is a deviation from

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2 the expected. It can be positive,
3 negative or both. Do you see that?

4 A. Yes.

5 Q. So when you're developing a
6 product, you need to consider all of the
7 inputs coming in, the good and the bad; is
8 that fair?

9 A. As a product development
10 professional with 37 years of experience,
11 I can absolutely agree with you that
12 managing risk takes into account all sorts
13 of positive and negative unexpected
14 events.

15 Q. We talked a little bit about your
16 time at United. You've explained to me
17 that during your time at United, you
18 utilized a product development lifecycle;
19 is that fair?

20 A. We had a product development
21 lifecycle that was specific to the UAL
22 loyalty organization, and then when we
23 joined the main airline, we worked to
24 adapt that product development lifecycle
25 into the airline space more broadly.

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2 Q. Okay. I'm going to talk at a
3 high level at United. Fair to say that
4 one of the most extreme negative risks
5 that United could face would be a tragic
6 safety event. That would be one example
7 of a negative risk; fair?

8 A. It is absolutely fair to say that
9 a tragic safety event like a plane crash
10 is one of the most negative events United
11 has.

12 Q. Some other events that United
13 could experience would be reputational
14 harm, that's another example.

15 A. United could consider
16 reputational harm something that it
17 desires to avoid, absolutely.

18 Q. Another thing that it could take
19 into account and consider as a risk would
20 be fuel prices.

21 MS. ELLIS: Objection, form.

22 THE WITNESS: I can tell you that
23 the variability of fuel prices was a
24 risk that we considered at United in
25 our risk management process.

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2 BY MS. CARITIS:

3 Q. And the ISO 31000 is intended to
4 arm companies with a plan to map out all
5 types of these risks, the good and the
6 bad; is that right?

7 A. ISO 3100 sets a standard for
8 managing the risks broadly, absolutely.

9 Q. And it then allows for strategic
10 decision-making to be made?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: The goal of risk
13 management is enumerated here and it
14 covers in paragraph 6 the following
15 steps: risk identification, risk
16 analysis, risk evaluation, risk
17 treatment, monitoring and review and
18 recording and reporting.

19 BY MS. CARITIS:

20 Q. Got it. Okay, I think -- you
21 were talking about section 6?

22 A. Yes.

23 Q. But okay. We'll get back to that
24 in a minute. You would agree that this
25 standard is a framework that allows

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2 companies to best achieve their
3 objectives.

4 MS. ELLIS: Objection, form.

5 THE WITNESS: ISO refers to this
6 as a guideline, not a framework. It
7 is a guideline that can be used to
8 make risk management practices come up
9 to industry standard levels.

10 BY MS. CARITIS:

11 Q. Let's look at what the standard
12 actually notes.

13 Principles on page 2,
14 Mr. Delaney, we see at the very bottom it
15 says here the purpose of risk management
16 is the creation and protection of value.
17 It improves performance, encourages
18 innovation and supports the achievement of
19 objectives. Do you see that?

20 A. Absolutely.

21 Q. So you would agree with me the
22 principles of risk management includes
23 supporting the achievement of objectives?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I can plainly see

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2 the language here that the principle
3 enumerated by ISO encourages
4 innovation and supports the
5 achievement of objectives.

6 BY MS. CARITIS:

7 Q. Okay. The standard does not
8 define what a company's objective should
9 be?

10 A. ISO standard on risk management
11 does not attempt to define the company's
12 objectives, absolutely.

13 Q. Some companies' objective might
14 be to improve profit; fair?

15 A. I think most public companies
16 have an objective of improving profit.

17 Q. And the ISO 3100, it provides a
18 framework but it doesn't dictate the
19 decision that a company should take; is
20 that fair?

21 A. ISO 3100 outlines a process or
22 framework I guess is a fair word or a
23 guideline upon which proper risk
24 management processes can be modeled.

25 Q. If we look at page 3 of the

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2 standard, it lays out some elements that
3 should according to the standard be
4 integrated and included in an effective
5 risk management program. We see on the
6 bottom of the page it looks like there are
7 eight elements. Do you see where I am,
8 Mr. Weiner?

9 A. I've got it in front of me.

10 Q. Okay. The second element, excuse
11 me, the third element notes that risk
12 management, effective risk management
13 strategies must be customizable. Do you
14 see that?

15 A. I agree that effective risk
16 management requires that the risk
17 management strategies be customized,
18 specifically customized and proportionate
19 to the organization's external and
20 internal context related to its
21 objectives.

22 Q. So again, fair to say the ISO
23 3100 it provides guidelines but it leads
24 with the idea that a company will have to
25 customize its own personal use of the

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2 guidelines based on its own business and
3 objectives?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: I agree absolutely
6 that effective risk management
7 requires these particular elements as
8 documented in ISO 31000 which includes
9 customization and proportionality to
10 the internal and external context.

11 BY MS. CARITIS:

12 Q. Another of the elements that ISO
13 31000 identifies is that the effective
14 risk management should be inclusive, which
15 it describes as "appropriate and timely
16 involvement of stakeholders, enables their
17 knowledge, views and perceptions to be
18 considered. This results in improved
19 awareness and informed risk management."

20 Do you see that?

21 A. I am looking at the screen
22 reading along with you as you read part d)
23 of the section on effective risk
24 management.

25 Q. Are you aware that Uber engaged a

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2 safety advisory board to assist in its
3 product development?

4 MS. ELLIS: Objection, form.

5 THE WITNESS: I have seen
6 documents that relate to the safety
7 advisory board gathered by Uber, both
8 at the board level and within
9 management of the safety division.

10 BY MS. CARITIS:

11 Q. Are you aware of the expertise
12 and experience of the individuals that
13 served on Uber's safety advisory board?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: I have seen bios of
16 some of the people on safety advisory
17 board and I have seen bios of the
18 safety engineers at Uber that manage
19 safety practices.

20 BY MS. CARITIS:

21 Q. Are you also aware that Uber
22 partnered with various experts in sexual
23 assault prevention or victim advocacy?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I have seen

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2 documents related to these two
3 organizations that Uber engaged for
4 the purpose of documenting advocacy
5 and standards they spoke to one
6 organization that they work with on
7 their taxonomy for sexual assault and
8 sexual misconduct.

9 BY MS. CARITIS:

10 Q. Another element that the ISO
11 standard we're discussing emphasizes is
12 the need to be dynamic. "Risks can
13 emerge, change or disappear as an
14 organization's external and internal
15 context changes."

16 Do you see that?

17 A. Absolutely. The dynamic nature
18 of risk management is well known in my
19 experience in the industry.

20 Q. Okay. And that's kind of one
21 perfect example of we were talking about
22 for your reservation system. You had to
23 be dynamic and learn from a risk that
24 later was identified after a product was
25 already released; fair?

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2 MS. ELLIS: Objection, form.

3 THE WITNESS: I think I would
4 highlight that as both dynamic and
5 best available information. As better
6 information became available, you have
7 to adjust your risk management
8 practices to meet the needs of your
9 customer base at the moment in time
10 when the information becomes
11 available.

12 BY MS. CARITIS:

13 Q. Is it your opinion that Uber's
14 product development lifecycle did not --
15 and priorities did not change over time?

16 MS. ELLIS: Objection to form.

17 THE WITNESS: You're asking me if
18 Uber's priorities changed over time.
19 And if you'd like, I can read to you a
20 paragraph where I describe quite
21 literally Uber's priorities changing
22 over time and their allocation of
23 resources changing with them. So I
24 believe my report clearly states that
25 Uber's priorities changed over time.

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2 BY MS. CARITIS:

3 Q. You can direct me to that
4 paragraph. I'll take a look.

5 A. Sure.

6 (Witness perusing document.)

7 Here we go. Paragraph 122. "We
8 see Uber shifting its investment of its
9 total technology resources in the [REDACTED]
10 [REDACTED]
11 [REDACTED] between a two-year
12 period from [REDACTED] of its total
13 technology resources to [REDACTED] of its
14 total technology resources as evidenced by
15 priorities changing."

16 Q. Okay. So it's your testimony
17 that Uber invested less in safety in 2020
18 than it did in 2017?

19 A. My testimony --

20 MS. ELLIS: Objection, form.

21 THE WITNESS: -- has nothing to
22 do with safety in this particular
23 case. What I am speaking to in this
24 particular case is their investment in
25 these core [REDACTED]

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2 [REDACTED] I go on to talk
3 about safety investments in paragraph
4 123.

5 BY MS. CARITIS:

6 Q. Okay. Mr. Weiner, we're focused
7 today on Uber's safety initiatives so is
8 it your opinion that in 2020, Uber
9 prioritized safety less than it did in
10 2017?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: What I can read you
13 is the two sentences here. "My
14 analysis of the data from three
15 resource allocation presentations I
16 discuss in paragraph 22 is that the
17 allocation of resources across Uber to
18 the safety and insurance area was [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED] This shows
22 that safety remained a marginal
23 investment relative to other business
24 drivers."

25 ///

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2 BY MS. CARITIS:

3 Q. Okay. So I understand you're
4 saying that Uber allocation of resources
5 as a -- I guess rate decreased. Do you
6 think their prioritization of safety
7 decreased from 2017 to 2020?

8 MS. ELLIS: Objection, form.

9 BY MS. CARITIS:

10 Q. And if you say that's not the
11 focus of my report, then that's an answer,
12 too. I just want to understand the scope
13 of your opinion.

14 A. As you can tell, I'm trying to be
15 very thorough and precise in my answer to
16 you. Give me just a second.

17 The allocation to the safety and
18 insurance area stayed within a relatively
19 narrow band of [REDACTED]
20 [REDACTED]. So you're asking me
21 if I have stated in my report that they
22 decreased their investment in safety and
23 what I'm saying is the allocations that I
24 was able to gather from their documents
25 show that it went from [REDACTED] to

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2 [REDACTED] for the safety and
3 insurance area.

4 Q. I'm asking a different question.
5 So I'm not focused on how much money they
6 spent, okay? I'm not worried about money
7 spent. I'm asking if you think the way in
8 their product development lifecycle they
9 prioritized safety features decreased,
10 they prioritized it less in 2020 than they
11 did in 2017. Do you have an opinion as to
12 that question?

13 MS. ELLIS: Objection, form.

14 THE WITNESS: I'm checking.

15 Having just reviewed my seven opinions
16 documented in my report, there is no
17 evidence of an opinion stating that
18 Uber changed its priority between 2017
19 and 2020 on safety.

20 BY MS. CARITIS:

21 Q. Do you believe that Uber released
22 more safety features after 2017 than it
23 did before 2017?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: As you have seen in

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2 my report, Uber released safety
3 features primarily for two reasons.
4 One, to improve its safety perception
5 of its riders and drivers which it
6 deemed critical to its growth; and
7 two, as it relates to actually
8 reducing incidents of sexual assault
9 and sexual misconduct. Most of the
10 features that I have documented here
11 were introduced after 2017.

12 BY MS. CARITIS:

13 Q. Okay. The first part of the
14 answer had nothing to do with my question.
15 My question is not why you think they
16 released safety features, you said
17 perception versus actual incident
18 reduction. I'm asking just the number of
19 safety features that Uber released. You
20 would agree with me that they released
21 more features after 2017 than they did
22 from their inception to 2017, you agree
23 with me there?

24 A. If we look at my Appendix C or
25 Exhibit C, I enumerate the introduction of

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2 safety features and I can confirm your
3 statement that the majority of the safety
4 features were introduced after 2017.

5 Q. You just gave another opinion
6 concerning perception. You said that
7 based on your review of the materials, you
8 think that a majority of the safety
9 features that Uber released were released
10 in order to impact consumer perception of
11 safety. What's your basis for that
12 opinion?

13 A. Let's read the opinion and then
14 the basis, of course, was documented well
15 in my report. So the opinion specifically
16 states I reviewed --

17 Q. Can you let me know where you
18 are?

19 A. I apologize.

20 Page 119, opinion 7. It states,
21 "I reviewed Uber's portfolio of safety
22 features, defined as those that were
23 designed to influence rider or driver's
24 perception of safety, which was critical
25 to Uber's growth, or (2) were intended to

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2 provide direct protection against sexual
3 violence. Based on Uber's records, only
4 three features - safety, risk assessed
5 dispatch, audio and video recording, and
6 W2W, which I've defined earlier as
7 Women-to-Women, were supported by internal
8 analysis for Uber documented reductions in
9 sexual violence incident rates. By
10 contrast, other safety features
11 (summarized in Exhibit C) were primarily
12 evaluated against perception-based metrics
13 (such as safety sentiment or feature
14 awareness) rather than measurable
15 reductions in incidents. It is my opinion
16 that this governance approach reflects a
17 prioritization of perception over
18 prevention, inconsistent with industry
19 standard for product development where
20 foreseeable risks to physical safety
21 exist."

22 Q. Mr. Weiner -- I'm sorry, I'm
23 sorry, please let me ask a follow-up.
24 That was a long one. Let me ask some
25 follow-ups and then you can keep talking.

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2 Prior to this litigation, when
3 have you ever measured consumer sentiment
4 associated with a safety product feature?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: As we reviewed in
7 my history, I've worked for the
8 Brierley+Partners organization which
9 was an ad agency focused on loyalty,
10 and we reviewed the customer sentiment
11 across many products, one of which was
12 the safety people felt in hotel
13 chains.

14 BY MS. CARITIS:

15 Q. Is it fair to say, Mr. Weiner,
16 that to come to your opinion 7 that Uber's
17 prioritization of perception over
18 prevention was inconsistent with industry
19 standards for product development where
20 foreseeable risk to physical safety exist,
21 the basis of that opinion was on Uber
22 documents you read; is that right?

23 A. The basis of that opinion was on
24 Uber documents that I read and other
25 documents which I footnoted in the opinion

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2 which are, for example, the deposition of
3 Hanna Nilles, ISO 94, 9241-11, the
4 deposition of Gus Fuldner and Uber
5 documents plus those additional documents
6 that I mentioned.

7 Q. Mr. Weiner, can you name for me
8 one safety measure that could serve as
9 direct protection against sexual violence,
10 other than those measures that Uber has
11 implemented or piloted on its platform?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: You're asking me to
14 come up with a new safety feature?

15 BY MS. CARITIS:

16 Q. No, I'm asking you -- you're
17 opining that whether or not Uber's
18 features were intended to provide direct
19 protection against sexual violence. I'm
20 asking you to tell me, do you have any
21 experience in identifying any way to
22 reliably prevent sexual violence?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: I have spent 37
25 years in product development building

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2 products that achieve all sorts of
3 outcomes. I have reviewed extensive
4 Uber documentation where they focus on
5 the prevention of sexual violence. I
6 have experience in reading and
7 reviewing reports, looking at internal
8 studies and coming to opinions based
9 on prioritization processes. I have
10 documented those opinions and bases
11 here in my report.

12 BY MS. CARITIS:

13 Q. We've already talked about this
14 but Mr. Weiner, you've never worked on a
15 product related to safety against sexual
16 misconduct or sexual violence; right?

17 MS. ELLIS: Objection.

18 THE WITNESS: We have discussed a
19 series of products that regard
20 physical safety.

21 BY MS. CARITIS:

22 Q. That wasn't my question. Please
23 listen to my question. Have you ever
24 worked on a product --

25 MS. ELLIS: Counsel, if you could

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refrain from cutting off the witness,
he was answering the question, but
we're getting to a point in the day, I
understand it's after lunch, let's
just not cut off the witness, please.

MS. CARITIS: I totally agree and
I apologize, but Mr. Weiner if you
could please listen to my question and
listen to what I'm asking because I
understand you want to give a complete
and full answer. I'm asking a little
more narrow question so please answer
that one. I'm sure Ms. Ellis will
give you an opportunity to talk more
if you want later, but please listen
to my question and I will respectfully
ensure that you have time to answer my
question. Let me ask it again.

BY MS. CARITIS:

Q. Mr. Weiner, you have no
experience building products related to
the prevention sexual violence
specifically?

MS. ELLIS: Objection, form.

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2 THE WITNESS: As I have defined
3 sexual violence in my report and
4 described to you the situations where
5 I worked on products that included
6 physical safety, I would not agree
7 with your statement that I have never
8 worked on them.

9 BY MS. CARITIS:

10 Q. Okay. I'm not sure if you heard
11 me. I didn't say physical safety, I said
12 sexual violence.

13 A. I started with responding to
14 sexual violence. The first thing I wanted
15 to ground on is the definition of the term
16 sexual violence which I enumerated in my
17 report. The sexual violence aspects that
18 occurred at United were considerations.

19 Q. You just changed your testimony,
20 but that's fine. We'll have those and we
21 can deal with it later.

22 MS. ELLIS: I move to strike the
23 commentary of counsel on the record.

24 BY MS. CARITIS:

25 Q. You also talk in this opinion

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2 setting about feature awareness. Are you
3 aware of Uber testimony about the
4 importance of feature awareness in
5 preventing sexual assault?

6 MS. ELLIS: Objection, form.

7 THE WITNESS: If you have a
8 particular document that you're
9 referring to, or Uber executives have
10 talked about future awareness in
11 preventing sexual assault, I would
12 appreciate the opportunity to see that
13 document.

14 BY MS. CARITIS:

15 Q. That's exactly what I'm talking
16 about but I'm asking you if you are aware
17 of it. Are you aware that Uber has
18 discussed in their product development the
19 importance of product awareness in
20 preventing incidents of sexual misconduct,
21 yes or no?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: I have seen
24 documents where Uber executives were
25 discussing awareness as having an

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2 impact on sexual assault. I have not
3 seen any documented study that
4 demonstrates those results in an
5 internal study from Uber.

6 BY MS. CARITIS:

7 Q. Okay. You would agree that any
8 safety feature, it can only work if people
9 know to use it; right?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: I can disagree with
12 that statement because I know one of
13 the most effective safety features
14 that Uber has created to prevent
15 sexual violence is S-RAD which they
16 worked very hard to keep out of public
17 awareness for many years. So I do not
18 agree the only way that it can be
19 effective is people know about it.

20 BY MS. CARITIS:

21 Q. Do you agree that the 911 button
22 is a good step that Uber invented in order
23 to keep passengers safe on rides?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I am not, as you

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2 have gone in great detail to discuss
3 with me, able to opine on the
4 psychology of people or how they make
5 choices about safety and crime. What
6 I can tell you is what I've reviewed
7 in Uber's documents, which is the 911
8 button had an impact on the perception
9 of both riders and drivers, that it
10 was a feature that made people feel
11 safer.

12 BY MS. CARITIS:

13 Q. Another way that it could be
14 helpful to deter crime by marketing safety
15 features is because then a driver knows
16 that a rider has the ability to utilize
17 the safety feature on a trip; right?

18 MS. ELLIS: Objection, form.

19 THE WITNESS: I have seen studies
20 and reports in Uber that state that
21 driver awareness of safety features
22 has an impact on the perception of
23 safety, absolutely.

24 BY MS. CARITIS:

25 Q. I'm asking a different question.

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2 So I'm saying that say I'm a driver, I
3 know Uber's marketed to me that my
4 passengers have the ability to push a
5 button and text 911 and send my info. My
6 driver awareness of that safety feature
7 could deter me from committing a crime?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: If you have an Uber
10 document that shows evidence of that
11 effect, I would like to see it and
12 would find it helpful in my
13 understanding of Uber's safety
14 features.

15 BY MS. CARITIS:

16 Q. Mr. Weiner, is it your opinion
17 that the only safety features Uber should
18 implement are those where they actually
19 have a study confirming its effectiveness?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: I have to read you
22 the opinion again because the answer
23 to your question implies we have not
24 communicated clearly. What I said was
25 "Uber failed to incorporate industry

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standard risk-based practices into its product development lifecycle and instead prioritized growth, cost reduction and competition over the timely implementation of safety features when its own internal studies indicated it could mitigate risks of sexual assault and misconduct."

Nowhere in this opinion do I say that safety features that have an impact on perception have no value. That is not what my opinion says.

BY MS. CARITIS:

Q. Okay. So opinion 7 though, you make a big stink about how Uber safety features in your opinion were put in place for perception over prevention. So is that a bad thing in your opinion or are you not willing to say it's good or bad, you're just saying they implemented features for perception over prevention?

MS. ELLIS: Objection, form, compound, misstates the testimony and improper commentary.

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2 THE WITNESS: What I can say is
3 what's written in black and white in
4 my opinion. It is my opinion that
5 "this governance approach reflects a
6 prioritization of perception over
7 prevention inconsistent with industry
8 standards for product development
9 foreseeable risk to physical safety
10 exists."

11 I did not assign a good or bad
12 characterization. I simply stated my
13 opinion as is factually understood to
14 me.

15 BY MS. CARITIS:

16 Q. So you're not saying that every
17 time you find that something is
18 inconsistent with industry standard that
19 it's negative?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: We seem to be
22 talking past each other a bit. You
23 are asking me if I find -- I'll
24 restate your question, if I believe
25 that prioritizing perception over

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2 protection is good or bad. What I
3 need to refer to at this time is ISO
4 guide 51 which my colleagues provided
5 to you last night which enumerates
6 quite literally guidance on page 7
7 that I have called the hierarchy of
8 risk. And in this document on page 7,
9 it enumerates that inherently safe
10 design is the priority. Guards and
11 protective devices are the second
12 step, and information for use is the
13 third step. So again relying heavily
14 on industry standards, I am suggesting
15 that coming up with inherently safe
16 design has a higher priority than
17 increasing perception of safety.

18 BY MS. CARITIS:

19 Q. Okay, so you're saying that it is
20 bad that Uber put perception over
21 prevention, yes or no?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: I cannot answer the
24 question bad with yes or no because
25 I'm not talking about bad at all. I'm

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2 not talking about good or bad, I'm
3 talking about -- I'm talking about
4 standards and my experience. I'm not
5 trying to assign good or bad to those
6 standards and experience. I'm being
7 very literal and have written in great
8 detail in my report my opinions.

9 BY MS. CARITIS:

10 Q. Let's look back at -- so getting
11 back to ISO 31000, nowhere does the
12 standard say that a company must implement
13 a specific response to a risk; right?

14 A. I am not familiar with any
15 statement in ISO 31000 that states that a
16 specific response to a specific risk must
17 be implemented.

18 Q. ISO 3100 includes risk criteria;
19 right? I'm on page 10.

20 A. ISO 3100 covers 6.3 which covers
21 scope, context and criteria of risk.

22 Q. Okay. And I'm talking
23 specifically about the defining risk --
24 maybe not. One sec.

25 I'm talking about 6.3.4 defining

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2 risk criteria. You would agree with me,
3 we have talked about this before, but this
4 sets out the principle that companies
5 can't always eliminate a hundred percent
6 of risk; fair?

7 MS. ELLIS: Objection to form.

8 THE WITNESS: I am not aware of
9 any company that has ever eliminated
10 100 percent of risk, to use your
11 words.

12 BY MS. CARITIS:

13 Q. So when we're defining a risk
14 criteria, the first thing that the ISO
15 standard says is we have to specify the
16 amount and type of risk that an
17 organization can take; right?

18 MS. ELLIS: Objection, form.

19 THE WITNESS: This ISO standard
20 enumerates that the organization
21 should specify the amount and type of
22 risk that it may or may not take
23 relative to objectives.

24 BY MS. CARITIS:

25 Q. Again, ISO standard doesn't tell

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2 a company what its objective should or
3 shouldn't be; right?

4 A. There's no ISO standard in my
5 awareness that tells a company how to set
6 its objectives.

7 Q. When you were analyzing whether
8 or not Uber complied with industry
9 standards such as ISO 3100, what objective
10 were you using to conduct your analysis?

11 A. I was looking at the objectives
12 and OKRs enumerated in Uber's documents,
13 specifically heavily relying on the OKRs
14 of the safety and insurance division in a
15 series of communications between Sachin
16 Kansal and one of his deputies on a weekly
17 basis over a four-year period.

18 Q. I'm looking for a simple answer.
19 What in your mind was Uber's objective?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: Uber had almost 50
22 OKRs at any given time. They did not
23 (inaudible) objective.

24 BY MS. CARITIS:

25 Q. Do you disagree with any of

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2 Uber's objectives? Do you think their
3 objectives were wrong or do you think just
4 the way they prioritized risk was wrong?

5 MS. ELLIS: Objection, form,
6 compound.

7 THE WITNESS: I think, and I'll
8 read it again, it is my opinion that
9 "this governance approach reflected a
10 prioritization of perception over
11 prevention inconsistent with industry
12 standards for a product development
13 where foreseeable risks to the
14 physical safety exists."

15 BY MS. CARITIS:

16 Q. So the guidelines that we've been
17 talking about, they set a bunch of factors
18 that should be considered to set a risk
19 criteria. Do you see that in 6.3.4 of the
20 standard, the bullets?

21 A. I'm very familiar with the
22 criteria in 6.3.4.

23 Q. Some of the factors that it
24 recommends that organizations take into
25 account are that nature and type of

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2 uncertainty, the likelihood, time-related
3 and time-related factors. You agree with
4 taking all those into account when
5 defining risk?

6 A. I believe I already stated that
7 ISO 31000 is a great description of
8 industry practices in risk management.
9 And yes, that means I agree with the
10 specific elements that it highlights.

11 Q. That ISO acknowledges that if a
12 risk is rare, a company should take that
13 into account when determining its risk
14 management strategy; right?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: Are you pointing to
17 a specific sentence in this document?

18 MS. CARITIS: I am talking about
19 the risk criteria, likelihood.

20 MS. ELLIS: I'm sorry, Counsel,
21 was that a question? Are you
22 directing him to --

23 THE WITNESS: Consequences, both
24 positive and negative and likelihood
25 will be defined and measured. The

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2 consequence of sexual assault is an
3 extremely negative consequence and I
4 agree that both the consequences and
5 the likelihood have to be considered
6 in the review of the risk criteria.

7 BY MS. CARITIS:

8 Q. Okay. So let's talk broadly, not
9 sexual assault, just a risk, a more broad
10 risk.

11 In your opinion how frequent must
12 a risk occur for it to be included in a
13 risk treatment?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: I cannot give you a
16 prescribed answer to that as we have
17 talked today. I gave you an example
18 where a single risk led to a risk
19 treatment so it basically doesn't even
20 have to happen, it just has to be a
21 risk. I also believe you must
22 consider the consequences and the
23 likelihood in the relative priority on
24 that risk.

25 ///

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2 BY MS. CARITIS:

3 Q. Are you aware that from 2017 to
4 2022 0.006 percent of trips in the United
5 States had a report of sexual assault or
6 sexual misconduct?

7 MS. ELLIS: Objection, form.

8 THE WITNESS: I am aware that
9 when considering sexual assault risk
10 at Uber, it is important to consider
11 both the numerator and denominator
12 that you use. There are many safe
13 trips on Uber but Uber was well aware
14 of certain conditions where risk was
15 higher. So I might ask you if you
16 have this data, do you know how many
17 of the sexual assaults occurred in
18 nighttime areas near bars where the
19 sex of the driver and the rider were
20 different, because that number might
21 have a different statistical measure
22 than the one that you just quoted.

23 BY MS. CARITIS:

24 Q. You're the expert, Mr. Weiner, so
25 you tell me. What were the statistics

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2 related to that instance that you just
3 provided, how often is it likely for a
4 sexual misconduct or sexual assault report
5 to occur, even in that isolated scenario
6 you just said, what's the number?

7 MS. ELLIS: Objection to form.

8 It calls for speculation and outside
9 the terms of his report.

10 MS. CARITIS: If he wants to say
11 I don't know that's great. He just
12 asked me. I'm just asking him if he
13 knows.

14 THE WITNESS: I asked you if you
15 knew because you quoted a number that
16 seems wildly out of a context using a
17 denominator of all rides.

18 BY MS. CARITIS:

19 Q. So let's take a step back. Well,
20 first off, you don't know the statistic
21 you just asked me. You don't know actual
22 incident -- you're not aware sitting here
23 today of the number of let's just say
24 reported sexual assaults or sexual
25 misconduct that occur late at night at a

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2 bar; is that right?

3 MS. ELLIS: Objection to form.

4 THE WITNESS: What I am aware of
5 and is documented in my report is that
6 sexual assaults and sexual misconduct
7 are underreported on the Uber
8 platform. And I am also aware that
9 sexual assault and sexual misconduct
10 that occurs late at night in the
11 location of a bar where a male and
12 female are in a car together is higher
13 than the statistic you just provided.

14 MS. ELLIS: Counsel, we've been
15 going over an hour. I don't know if
16 you're getting to a point where you
17 want to take a break.

18 MS. CARITIS: I'll spell you
19 soon. Give me like five.

20 BY MS. CARITIS:

21 Q. I lost my train of thought.

22 Okay. Uber has implemented in
23 their product safety features; correct?

24 A. My Exhibit C enumerates a number
25 of safety features implemented by Uber

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2 that I was able to identify in their
3 documents and in their --

4 Q. So --

5 MS. ELLIS: Counsel, I would just
6 ask you to stop cutting off the
7 witness's answer.

8 MS. CARITIS: I thought he was
9 done. I honestly thought he was done.
10 I apologize.

11 BY MS. CARITIS:

12 Q. Let's talk about that
13 circumstance you just identified. I'm a
14 female, I'm at a bar late at night. I
15 want to talk a little bit about some of
16 the features that Uber did implement in
17 their product based on a understanding
18 that that ride might be more risky than a
19 ride in the middle of the day.

20 If I get in a vehicle late at
21 night at a bar, I have an option to Share
22 My Ride. You're aware of that,
23 Mr. Weiner?

24 MS. ELLIS: Objection, form.

25 ///

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2 BY MS. CARITIS:

3 Q. And if you're not aware you can
4 say not aware.

5 A. I am aware of that and used that
6 feature on my ride this morning to share
7 with my husband on the way to this
8 deposition.

9 Q. I do it every time with mine,
10 too. Not only would I, a female late at
11 night at a bar have the option to share my
12 ride, I would also have an option to make
13 that happen automatically. You're aware
14 of that product feature that Uber put in
15 place in its product; right?

16 A. I can tell you that I'm not only
17 aware of that feature but I'm sure your
18 colleagues at Uber can detect that my
19 husband has that feature activated on his
20 Uber account.

21 Q. Another feature that Uber
22 implemented into the app that I could
23 utilize if I'm out at night late at night
24 at a bar is that I could also request a
25 pin and make sure that I'm getting in the

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2 right vehicle late at night; right?

3 You're aware of the pin verification
4 feature?

5 A. I can tell you the specific
6 paragraph that I can more generally say I
7 have enumerated the pin feature in my
8 Exhibit C. Would you like to know the
9 paragraph or is that okay?

10 Q. No, that's okay. I'm just
11 talking through some of the safety
12 features that were implemented in the
13 product that I just want to make sure
14 you're aware of.

15 Another feature that Uber did
16 implement in its product developments was
17 phone number anonymization, you're aware
18 of that; right?

19 A. Phone number anonymization and
20 address anonymization are enumerated as
21 number 6 in my Exhibit C.

22 Q. That's one example of a product
23 feature that Uber did include in its
24 product development lifecycle; right?

25 A. Uber absolutely included phone

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2 number and address anonymization as
3 enumerated in paragraph 6 of Exhibit C.

4 Q. So a few other features that Uber
5 did implement in its product development
6 lifecycle would be the emergency button.
7 You're aware of that one; right?

8 A. I'm both aware of the emergency
9 button and I believe as you have seen in
10 my Exhibit D I have screenshots of the
11 emergency button. I can give you a page
12 number.

13 Q. That's okay. There also was --
14 Uber also implemented in the product
15 development lifecycle a rapid SOS
16 integration; right? You're aware of that?

17 MS. ELLIS: Objection, form.

18 THE WITNESS: You're referring to
19 the ADT integration? I am aware of
20 the ADT integration sometimes referred
21 to as the rapid SOS integration.

22 BY MS. CARITIS:

23 Q. There was actually a feature a
24 little earlier in 2018 that was included,
25 but you're right that there was also a

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2 live help from ADT later. Are you aware
3 of the 2018 rapid SOS integration feature
4 that Uber implemented in its product
5 development lifecycle?

6 A. Give me one second. I can refer
7 beyond my report to Ms. Esteves's
8 deposition aid covering all safety
9 features and reflects memory. Yes, the
10 2018 feature is enumerated on page 1 of
11 Ms. Esteves's deposition aid.

12 Q. And another feature that
13 hopefully is on there or else you can tell
14 me if you're aware of is 2018 Uber also
15 implemented a feature called RideCheck in
16 its product development lifecycle. You're
17 aware of that one?

18 A. I am familiar with and have
19 looked at the RideCheck feature that Uber
20 implemented in 2018.

21 Q. We talked a little bit earlier
22 about how some features require driver
23 initiation -- excuse me, rider initiation
24 and others don't. You would agree that
25 RideCheck is a feature that Uber invented

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2 and implemented into its product that
3 happens without the rider doing anything;
4 fair?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: The RideCheck
7 feature operates on the network and
8 detects patterns of behavior for which
9 it then intervenes with text messages
10 or pop-ups on the rider or driver
11 phone.

12 BY MS. CARITIS:

13 Q. Okay. And you're aware is that
14 the RideCheck feature was integrated into
15 the platform in 2018 after Uber did become
16 aware that there were certain instances
17 where there were deviations en route and
18 they wanted to have a solution to detect
19 those deviations, you're aware of that?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: Paragraph 15 and 16
22 on page 13 of my Exhibit C enumerate
23 just that. The feature uses GPS and
24 sensors from the driver's smartphone
25 to identify rare events like

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2 unexpected long stops or possible
3 crashes, yes.

4 BY MS. CARITIS:

5 Q. Another feature that Uber
6 implemented in their product development
7 lifecycle and ultimately rolled out was a
8 text to 911 feature. Are you aware of
9 that one?

10 MS. ELLIS: Objection to form.

11 THE WITNESS: The 911 button is
12 covered on page 1 of Ms. Esteves's
13 depo aid and states that it was began
14 as a texting feature in 2019 as a
15 pilot and 2022 as a rolled-out
16 feature.

17 BY MS. CARITIS:

18 Q. Are you aware of any other
19 transportation -- let me ask a better
20 question.

21 Are you aware of any taxi apps
22 that have created or utilized a text 911
23 button?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I have recently

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2 been in a Lyft and I'm trying to
3 recall the specific 911 feature that
4 they had. I'm afraid I cannot recall
5 if it allowed texting, so I'm not
6 certain if the Lyft 911 feature
7 included texting ability.

8 BY MS. CARITIS:

9 Q. That was Lyft. I was asking
10 about taxis.

11 What about in taxi fleets, are
12 you aware of any taxi fleets that utilize
13 or integrated in their product development
14 lifecycle a text to 911 button?

15 A. I can only speak from my personal
16 experience since I have not researched
17 taxi fleets properly, that I have not been
18 in a New York City yellow cab where I was
19 presented with a text to 911 feature.

20 Q. What about RideCheck feature,
21 have you ever heard of any taxi company
22 that did what Uber did and built a feature
23 that would send a notification if your
24 ride went off course?

25 MS. ELLIS: Objection, form.

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2 THE WITNESS: I am not fully
3 aware of everything that Lyft has
4 offered but I can tell you from my
5 personal awareness, I am not aware of
6 a RideCheck feature available on
7 another rideshare platform.

8 BY MS. CARITIS:

9 Q. Okay. And I also was asking
10 about taxis, so same answer for taxis that
11 you're not aware of a taxi company that
12 has similarly invented or utilized a
13 RideCheck feature?

14 A. In my research of safety features
15 in taxis, I did not come across in any
16 peer-reviewed literature, Google Scholar
17 or Google searches a ride check feature.

18 MS. ELLIS: Counsel, we've been
19 going for 10 minutes.

20 MS. CARITIS: Thank you for the
21 reminder. Why don't we go off the
22 record.

23 THE VIDEOGRAPHER: We're going
24 off the record. This is the end of
25 media unit 5. The time is 3:27.

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2 (Recess taken from 3:27 p.m. to
3 3:44 p.m.)

4 THE VIDEOGRAPHER: We're back on
5 the record. This is the beginning of
6 media unit 6. The time is 3:44.

7 MS. CARITIS: Mr. Weiner, before
8 we went on break, we were talking
9 about, and I believe you were
10 referring to the Mariana Esteves
11 deposition aid, and just so the record
12 is clear, I just sent what I think is
13 the same document you have to
14 Mr. Delaney.

15 Sorry, Curtis, you might have
16 literally just gotten it, but I would
17 like to mark that new document that
18 should have just come in, Curtis, as
19 Exhibit 9, and that is again the
20 Esteves deposition aid that Mr. Weiner
21 brought with him today and was
22 referring to previously, and we'll
23 just take a quick look at a few things
24 on that document.

25 (Exhibit 9, Esteves deposition

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2 aid, marked for identification.)

3 MS. CARITIS: Okay. I think we
4 can -- Curtis, I have it in front of
5 me so unless I can -- I'll just keep
6 going and once you have it to enter --
7 unless Tiffany or Mr. Weiner, you want
8 to wait until it's on the screen.

9 MS. ELLIS: Let's just confirm
10 this was marked as 1581, the July 15,
11 2025 exhibit -- or deposition?

12 MS. CARITIS: No. That's what I
13 -- is that not the one you're
14 referring to?

15 MS. ELLIS: No, we're referring
16 to safety features from her July 15,
17 2025 Exhibit 1581.

18 MS. CARITIS: Okay. Well, let's
19 look at this one. I like this one,
20 Curtis. We can take a quick look at
21 this one.

22 THE WITNESS: Do you have this
23 one? Yes, we have that one as well.

24 MS. CARITIS: That would be
25 great.

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2 MS. ELLIS: That one is Exhibit
3 1991 to the August 28, 2025.

4 MS. CARITIS: That's right. So
5 let's go ahead and mark this as
6 Exhibit 10 [sic], please.

7 BY MS. CARITIS:

8 Q. Mr. Weiner, I understand you do
9 have a paper copy of this one in front of
10 you. Was this an additional document that
11 you were provided in connection with your
12 expert report and opinion?

13 A. I believe I reference this
14 document in my materials considered. I
15 could check that for you but this is a
16 document that I was aware of before I
17 filed my report.

18 Q. Okay. Great. I'm not suggesting
19 it wasn't. I can delete it so I don't
20 know off the top of my head. And you
21 would agree here that this document
22 identifies a variety of safety features
23 that Uber has implemented on its platform
24 along with relevant metrics.

25 Do you see that throughout the

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2 document?

3 A. Yes, I'm well aware of all these
4 metrics.

5 Q. Okay. I want to talk a little
6 bit about a few of these in regards to the
7 conversation we were having earlier about
8 the distinction between perception and
9 prevention.

10 First, just from a high-level
11 product development standpoint, you would
12 agree with me that there are certain
13 products where it is very challenging to
14 actually and reliably test the
15 effectiveness of that product. Would you
16 agree with that?

17 MS. ELLIS: Objection, form.

18 THE WITNESS: It has been my
19 experience that a properly designed
20 test can be conceived of and executed
21 for almost any product feature in the
22 product development lifecycle. They
23 are not always easy to test but I
24 think if the motivation is there,
25 finding a way to test them is usually

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2 achievable.

3 BY MS. CARITIS:

4 Q. Okay. I believe you talk in your
5 report a little bit about S-RAD control
6 group. Do you know what I'm talking
7 about?

8 A. I am very familiar with the S-RAD
9 control group.

10 Q. I actually don't want to get into
11 that. I just want to talk to you more
12 broadly about the concept of a control
13 group.

14 A. Okay.

15 Q. So a control group in my
16 understanding is kind of the on or off.
17 So you have to have a group that isn't
18 being provided the feature so that you
19 have something to compare the group that
20 is utilizing the feature with. Is that a
21 very basic understanding of a control
22 group?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: If you'll allow me
25 to state it in my words, a control

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2 group is the hold back of certain
3 people to whom a thing is not applied
4 for the sake of comparing the people
5 to whom the thing is complied to the
6 thing that people are not applied. So
7 the specific purpose of a hold-back
8 group is to give you a group of people
9 to compare against. What I would just
10 say is that is one of a number of ways
11 to manage tests on effectiveness.

12 BY MS. CARITIS:

13 Q. And again, I don't want to get
14 deep into the S-RAD criticism. I just
15 want to kind of stay high level what it
16 is.

17 One of your opinions concerning
18 S-RAD is that you think the control group
19 was too large; is that right?

20 A. I can be more specific as I've
21 continued to try to be throughout this. I
22 don't want to restate the opinion and be
23 inaccurate to what I actually wrote. What
24 I said specifically -- what I said is in
25 my opinion for the safety risk assessed

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2 dispatch development and rollout, Uber
3 maintained a larger than necessary holdout
4 group, users excluded from intervention so
5 the model could be evaluated. That is my
6 specific opinion.

7 Q. So you talk about some safety
8 features that Uber declined to test
9 because they didn't want to turn off the
10 feature for anybody. So Share My Trip is
11 on page 2 of the Esteves exhibit that
12 we're looking at that we've marked as
13 Exhibit 10 [sic]. We see that Share My
14 Trip, for example, was launched in 2013
15 and that was rolled out to every single
16 individual that was utilizing the Uber
17 platform. So there Uber made a decision
18 it didn't want to have a control group.
19 It wanted to give everyone access to the
20 feature. Do you disagree with Uber's
21 product development decision to roll out
22 Share My Trip so that all riders could
23 utilize it, instead of doing a holdback
24 group that would allow it to actually test
25 the efficacy of that specific feature?

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2 MS. ELLIS: Objection, form, to
3 the extent that you're speaking on
4 Uber's behalf and introducing any sort
5 of evidence about why Uber did or did
6 not do anything in particular. You
7 can answer to the extent you're able.

8 THE WITNESS: Sure. In an
9 attempt to be very direct and
10 responsive, I do believe that a
11 holdback group is only one way in
12 which effectiveness can be measured.
13 I do state my opinion that Uber's lack
14 of testing of some features makes them
15 basically be measured as perception
16 features versus features that evidence
17 impact on assault rates because they
18 are not being measured. And I have
19 stated quite clearly it is my opinion
20 that this governance approach reflects
21 a prioritization of perception over
22 prevention inconsistent with industry
23 standards. So yes, I personally would
24 like to know the effectiveness of this
25 feature at preventing sexual assaults

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2 to consider it an effective tool for
3 sexual assault mitigation.

4 BY MS. CARITIS:

5 Q. How would you test it without
6 utilizing a control group, without turning
7 it off for some riders?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: So this is a tool
10 that is essentially optional, as we've
11 described. So one way to consider its
12 effectiveness would be to look at
13 sexual assault rates of those that
14 have turned it on versus those that
15 have not turned it on. That is a
16 rough measure that gives you some
17 indication of its effectiveness.

18 BY MS. CARITIS:

19 Q. If you look at metrics, that's
20 actually a metrics that Uber did utilize;
21 right? Do you see -- so the last bullet
22 under Metrics, Uber looked at the number
23 of sexual assault, sexual misconduct, IPC
24 and nonsexual assault, sexual misconduct,
25 IPC incidents that had riders tap on the

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2 share trip button. Do you see that?

3 A. Yes, again, I'm very familiar
4 with this exhibit and the statistics.
5 What I failed to see through my analysis
6 was an actual study where they measured
7 and quantified the statistical
8 significance of this feature as it relates
9 to preventing sexual assault. These
10 anecdotal measures are quite nice to see,
11 but what I'm looking for as a product
12 development expert is some measure or
13 metrics ideally with statistical
14 significance that can show that the tool
15 is being effective in preventing sexual
16 assault to help in the prioritization of
17 the feature versus other features that
18 might or might not prevent against sexual
19 assault.

20 Q. One of the features that you say
21 that Uber should have prioritized was
22 dashcams; right?

23 MS. ELLIS: Objection, form, to
24 the extent it mischaracterizes his
25 opinion.

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2 THE WITNESS: I can read that
3 opinion very quickly. I was very
4 specific in my dashcam -- what I have
5 said is --

6 BY MS. CARITIS:

7 Q. It's on page 85.

8 A. We have little flags now to help
9 me speed my process. We did that during
10 one of our breaks.

11 "By no later than 2020, Uber
12 possessed the technical capacity to deploy
13 mandatory audio and video recording
14 features that its own studies associated
15 with reductions in personal conflict,
16 including sexual assault and misconduct.
17 Uber nonetheless delayed and restricted
18 deployment instead of prioritizing growth,
19 legal and reputational considerations over
20 the timely adoption of safety measures
21 identified in its internal analyses."

22 Q. Okay. So you're actually not
23 saying that Uber should have implemented
24 mandatory dashcams, you're just saying
25 they had the technical ability to do so?

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2 A. I'm quite literally saying that
3 by no later than 2020, Uber possessed the
4 technical capability to do so. What I
5 further say in my conclusion, which might
6 be helpful to answering your question, but
7 I didn't flag that page.

8 "Based on my review of Uber's
9 internal documents, deposition testimony,
10 product development records and my
11 professional evaluation against
12 established industry standards, it is my
13 opinion that Uber's product development
14 lifecycle did not align with risk-based
15 prioritization practices expected in
16 environments where human safety is
17 materially at stake including
18 transportation networks that pair drivers
19 with riders."

20 And then the last paragraph of
21 that, "Based on Uber's own documents,
22 internal assessments, the company had the
23 technical capacity to build features that
24 reduce the number of incidents of sexual
25 violence between Uber drivers and riders.

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1
2 Its internal studies confirmed these
3 features worked as intended and were
4 associated with lower rates and measured
5 through statistical analysis and call back
6 groups. As a product development expert,
7 it is my opinion based on review of Uber's
8 documents that Uber's expected outcome
9 would have been fewer sexual assaults and
10 a meaningful reduction would have been
11 expected to occur by Uber's own studies
12 had these features been deployed earlier
13 and at scale."

14 So to be as responsive as I can
15 to your question, the three features that
16 Uber had identified could have a material
17 effect which were mandatory audio and
18 video recording, S-RAD and Women-to-Women
19 could have had the impact of materially
20 impacting sexual assaults.

21 Q. How do you define material
22 impact?

23 A. I define it as Uber defined it.
24 Uber's statistics on each of these
25 features is available and so we can look

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2 to the statistical measure of Uber's
3 statistical studies to see what the impact
4 would be. I would almost define a single
5 sexual assault prevention as being an
6 impact that's worth considering.

7 Q. Uber did consider all of the
8 features you just mentioned; right?
9 There's loads and loads of documents where
10 Uber is considering implementing women
11 rider preferred programs or surveillance
12 programs; right?

13 MS. ELLIS: Objection, form, to
14 the extent you are characterizing
15 evidence.

16 THE WITNESS: I have read every
17 document that I could find on these
18 three features and I have enumerated
19 in my report my opinions and the basis
20 for my opinions that there was
21 opportunity to move some of these
22 faster with a different prioritization
23 approach.

24 BY MS. CARITIS:

25 Q. So you talked before when we were

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2 talking about Share My Trip on the screen
3 that it was great that Uber looked at
4 these metrics but what you really wanted
5 were statistical significant studies. Do
6 you remember when you told me that?

7 A. What I said, and my opinion is
8 very clear in the black and white of my
9 report, is that there are two buckets of
10 safety features, those that Uber designed
11 to influence rider or driver perception of
12 safety, which was critical to Uber's
13 growth, and those that were intended to
14 provide protection against sexual
15 violence. All that was measured by Uber's
16 own studies.

17 Q. I asked a different question. We
18 were talking about things outside of your
19 report, sometimes it's just me talking to
20 you because I want to pick your brain, not
21 just what's on the page. We were talking
22 about Share My Trip. Do you remember when
23 you were having that discussion with the
24 document on the screen?

25 A. I believe we talked about our use

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2 of Share My Trip.

3 Q. Great. And you said that you
4 were helping me understand a way in which
5 Uber could test the effectiveness of Share
6 My Trip at reducing sexual assaults
7 without a control group by looking at the
8 percent of sexual assault IPCs for those
9 that engage the Share My Trip versus -- I
10 messed it up.

11 You said that I should look at
12 the decrease in sexual assault or sexual
13 misconduct just for those that actually
14 engaged the Share My Ride trip. And I
15 said okay, that's exactly what Uber did.
16 You acknowledged it but then you said what
17 I would really like to see are statistical
18 significant studies. If you could just
19 answer that question. Do you remember the
20 statement that you made that what you want
21 to see for Share My Trip are statistical
22 significant studies, do you remember
23 saying that to me?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: What I can very

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clearly answer that question because I cannot remember that exact sentence, we can go back in the record if you need us to look it up, but what I can state is that the metrics on the safety tool kit document from the Esteves deposition aid and the documents that I have seen on the safety tool kit do not demonstrate Uber putting forward a statistically significant study on the impacts of sexual assault.

BY MS. CARITIS:

Q. And another place where Uber was unable to secure statistical significant studies was on the impact of dashcams on violent interpersonal conflict. Do you agree with that?

MS. ELLIS: Objection, form.

THE WITNESS: I do not recall seeing a study speaking to violent IPC. I remember seeing a study L3 and L4 IPC. Is that what you're referring to?

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2 BY MS. CARITIS:

3 Q. Okay, let's look at -- we're
4 going to run out of time. Let's look at
5 183, please, of your report, page 89. You
6 write, by February --

7 A. 183?

8 Q. Paragraph 183 of Exhibit 1.

9 A. Yes.

10 Q. You write, "By February 2020,
11 Uber's dashcam pilot safety analysis
12 documented a 16 percent reduction in
13 verbal IPC associated with the presence of
14 cameras, which Uber characterized as
15 statistically significant; the same study
16 observed a directional reduction in
17 physical IPC, though the result did not
18 reach statistical significance."

19 Do you see that?

20 A. Absolutely.

21 Q. So in all of the documents that
22 you've reviewed, you've reviewed tons and
23 tons you told us, you have not seen a
24 single study that found a statistically
25 significant decrease in physical IPC in

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2 connection with dashcams; correct?

3 A. Hold on one second. We have the
4 recently de-designated dashcam document
5 here. I recall reading something. Let me
6 see if I can find that number.

7 Q. If you're using a document, if
8 you could please tell me the Bates because
9 I have no idea what all those documents
10 are.

11 A. I thought we shared the
12 documents. This is UBER_JCCP_MDL_
13 000158021.

14 MS. CARITIS: And Tiffany, if you
15 could please send me a Bates list of
16 all the documents he has with him in
17 the room at the next break, that would
18 be great.

19 MS. ELLIS: Sure.

20 THE WITNESS: Let me just find
21 the numbers.

22 BY MS. CARITIS:

23 Q. If you need to, we can look at a
24 break, Mr. Weiner.

25 A. That would be helpful, if I could

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2 do this during a break, that would be
3 fine.

4 Q. That would be helpful and again,
5 the question that's pending that you're
6 suggest might be in that other document is
7 a statistically significant study finding
8 a reduction in physical IPC for the use of
9 dashcams. So that's what we're looking
10 for.

11 MS. ELLIS: Objection to the
12 extent it mischaracterizes testimony.

13 MS. CARITIS: I was just asking
14 for what he could look for at the
15 break. I wasn't suggesting that's
16 what he said. That's what he told me
17 he was looking for.

18 THE WITNESS: Go ahead.

19 BY MS. CARITIS:

20 Q. Were you going to say something?

21 A. No, that's fine.

22 Q. Okay. Let's talk a little bit
23 more about the industry standards that you
24 talked about in your report. We talked a
25 lot about the ISOs and I want to talk now

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about the other components that you identify kind of as industry standards. So let's see. I'm going to refer you to paragraph 29 of your report and there you're identifying three broad -- as you write, "broad and generally accepted sense of industry standards to include three categories of benchmarks."

Industry [sic] standards bodies is A. That one we've chatted about. I know there's other standards we didn't discuss. And then B you write, "structured practices from other safety-critical industries such as aviation, finance, and transportation, where technology design decisions have direct consequences for human safety and thus provide relevant comparators for governance rigor."

What other safety critical industries, what companies are you talking about here that you are referring to in your discussion of industry practices throughout this report?

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2 MS. ELLIS: Objection, form.

3 THE WITNESS: Let me find the
4 paragraph for you that provides some
5 examples I believe in my opinion 2.

6 BY MS. CARITIS:

7 Q. Is it at page 113?

8 A. Hold on.

9 Q. Paragraph 113?

10 A. Paragraph 113, yes, okay. So I
11 refer to three examples in my report.
12 Airbnb publicly stating 150 million to new
13 safety innovations, and that since 2017,
14 the growth rate of safety innovations has
15 outpaced the rate of revenue growth;
16 Southwest Airlines performing fleet wide
17 deployment of Honeywell's Smart Runway and
18 Smart Landing conflict alerting; and the
19 FAA, fiscal year 2025 request for 1.8
20 billion for the Office of Aviation Safety
21 and one billion in 2025 for facility
22 replacement and radar modernization.

23 Those are specific examples that
24 I included in my report.

25 Q. Are there any other companies or

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2 comparators that you're including in this
3 section B of industry standards or are
4 they all encompassed in paragraph 113 in
5 your report?

6 MS. ELLIS: Objection, form.

7 THE WITNESS: Of course, so as
8 you're aware, my industry experience
9 covers almost 37 years and a whole
10 bunch of verticals. I considered all
11 of my experience in referring to
12 industry standards. I enumerated
13 certain ones that I thought were
14 particularly relevant but by no means
15 was it intended to be a comprehensive
16 list.

17 BY MS. CARITIS:

18 Q. We already talked today at
19 length, Mr. Weiner, right, about the
20 specific experiences throughout your
21 37-year career that you tie directly to
22 concerning physical safety, right, you
23 already talked about all that?

24 A. I have appreciated your
25 interrogatory on the concept of physical

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2 safety, but I will reiterate that I
3 believe it's clear that my experience
4 gives me the ability to have opinions on
5 industry standards beyond those
6 experiences that just related to physical
7 safety.

8 Q. I hear you. I just want to make
9 sure for the millionth time that we've
10 covered all your experience that directly
11 hit on physical safety. Have we talked
12 about all your experiences that directly
13 related to physical safety?

14 A. We have talked about all the
15 times that I have enumerated in my report
16 where physical safety was a primary
17 concern in the product development
18 lifecycle that I was engaged in.

19 Q. Thank you. Okay, we're going to
20 flip back and forth a little bit here so I
21 apologize but if we could go back to page
22 13, please. Oh good, we're here, Curtis,
23 perfect. If we could go to C, so it's
24 your third bucket under your definition of
25 industry standards. And you note, "peer

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2 practices and benchmarks from large-scale
3 consumer technology companies,
4 particularly where they have publicly
5 reported investment levels, structured
6 safety programs, or rapid rollouts of
7 risk-mitigation features."

8 I want to make sure I understand
9 the peer practices and benchmark
10 large-scale consumer technology companies
11 you're referring to here. I have a
12 feeling one of them is Airbnb on page 113.

13 A. Sorry.

14 Q. No. Are there any other aside
15 from the companies listed in paragraph
16 113, are there any other peer practices
17 and benchmarks from large-scale consumer
18 technology companies that you were
19 utilizing in developing your understanding
20 of an industry standard in this case?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: Of course. I have
23 to find that I am a member of the
24 Gartner research program and have
25 access to and am an avid reader of

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2 peer benchmarks and industry standards
3 in the Gartner research database. In
4 the course of my time with Gartner I,
5 have read studies of quite a number of
6 consumer technology companies that
7 have been benchmarked from their
8 reported investment levels, structured
9 safety programs, rapid rollouts and
10 risk-mitigation features that I have
11 considered as part of industry
12 standards. My industry standards, as
13 I've stated a couple of times, are
14 based on the full of my 37 years of
15 experience, which is not just limited
16 to those companies where I worked, but
17 I have researched and studied
18 companies as well.

19 BY MS. CARITIS:

20 Q. Can you please name me all of the
21 companies that you took into account and
22 viewed as peer practices for your expert
23 report here?

24 MS. ELLIS: Objection, form.

25 THE WITNESS: I don't believe I'd

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2 be doing service to your question to
3 try to list them off the top of my
4 head, but I can certainly take that
5 away and get back to you with that
6 answer.

7 BY MS. CARITIS:

8 Q. Did you cite any other documents
9 throughout your report that talks about
10 large-scale consumer technology companies
11 that have publicly reported investment
12 levels, safety programs or rapid rollout
13 of risk mitigation features, are there any
14 cited in this report here?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: I have taken you to
17 the three I have cited and I have also
18 enumerated my access to the Gartner
19 database and use of it regularly. To
20 give you a comprehensive listing, I
21 would prefer to do a bit more to get
22 you a comprehensive list.

23 BY MS. CARITIS:

24 Q. To the extent you're relying on
25 anything else in reaching the opinion

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2 that's not included in your reliance
3 materials, I ask that you do please
4 supplement that. That would be great.

5 Okay, so let's talk a little
6 bit --

7 MS. ELLIS: I'll just clarify for
8 the record, I don't think that he said
9 he's relied on anything else that
10 hasn't been enumerated. He's just
11 saying this is all based on his
12 experience of over 37 years. And to
13 come up with a very specific list of
14 every single company that he's
15 considered in that 37-year experience
16 would take some time and was not
17 actually material that was considered.

18 MS. CARITIS: I'm happy to have
19 him explain who they are. He's
20 replying on peer practices and
21 benchmarks from large-scale consumer
22 technology companies and he's
23 helpfully pointed me to paragraph 13,
24 that's helpful, but I need to know the
25 other ones. I only have so much time

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2 and to the extent he's going to come
3 to trial and say that based on my work
4 or experience working with other
5 large-scale consumer technology
6 companies, I need to know who those
7 are. So if there is a list that he's
8 going to utilize and rely upon, then I
9 ask that he update his relied
10 materials. Looks like Gartner is like
11 a website. So if there are additional
12 materials, if not, there aren't. But
13 he obviously needs to disclose who
14 he's talking about in C, and if he's
15 unable because it's hard to do, I get
16 it, on the spot, I ask that you
17 supplement.

18 MS. ELLIS: Counsel, I understand
19 your request. I still think that you
20 mischaracterized his testimony but
21 we'll take it under advisement.

22 MS. CARITIS: Thank you.

23 BY MS. CARITIS:

24 Q. In your -- I'm calling it your
25 industry standard paragraph, so paragraph

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2 29 of your report, do you -- you talk a
3 little bit about how you included
4 structured practices from other
5 transportation industries. Do you see
6 that in 29 b?

7 A. Yes, transportation is
8 specifically enumerated and as we have
9 discussed I considered aviation part of
10 transportation.

11 Q. Another part of the
12 transportation is, of course, the taxi
13 industry; right?

14 A. Taxi industry is, of course, part
15 of transportation.

16 Q. And in your report, you actually
17 identify various news articles that you
18 found highlighting some of the risks
19 associated with taxi usage; fair?

20 A. I did after hearing
21 Mr. Kalanick's deposition testimony, I
22 thought I would attempt myself to look at
23 public media reports in the time frame he
24 was talking about, and within a short
25 period of time was identified three.

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2 Q. So let's take a look at page 32
3 of your report. I think you just beat me
4 to the punch. You note that in a cursory
5 search you found three articles from
6 San Francisco about sexual violence in
7 taxis and limos that predated the launch
8 of Uber. You then talk about a taxi
9 driver convicted of murdering a female
10 passenger. You see that; right?

11 A. Yes.

12 Q. And in 2005 you cite an instance
13 where a taxi driver was arrested on
14 suspicion of raping one of his female
15 passengers. Do you see that?

16 A. Yes.

17 Q. And then you also quickly
18 identified a 2008 article concerning an
19 incident involving an illegal limousine
20 with rape of an intoxicated person at
21 11:30 p.m. on a Friday after being picked
22 up at a ballgame. Do you see that?

23 A. I am aware. I found those
24 articles myself.

25 Q. You also cite in your report in

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2 footnote 72, so on page 32, a document
3 where Uber is actually discussing the
4 relative risk of Uber versus taxi; right?

5 A. Yes.

6 Q. Did you consider in coming to
7 your opinions here whether any taxi
8 company in the United States meets the
9 risk management standards you outline in
10 your report?

11 MS. ELLIS: Objection, form.

12 THE WITNESS: So to answer your
13 question indirectly, I have to wonder
14 out loud if you are asking me if I'd
15 expect the taxi industry to live up to
16 the standards of such a
17 transformational technology company as
18 Uber.

19 BY MS. CARITIS:

20 Q. I'm asking if -- so you would
21 agree that Uber has done a whole lot more
22 than taxi companies have; fair?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: I would agree that
25 Uber has more capabilities than the

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2 average taxi company and has used
3 those capabilities over its 10-year
4 period that I reviewed in detail.

5 BY MS. CARITIS:

6 Q. That includes the day that Uber
7 was publicly available, they had
8 additional safety features and technology
9 that taxis did not have; right?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: Uber's mission as I
12 have identified in this report was to
13 transform the taxi business.

14 Mr. Kalanick and his peer were
15 standing outside finding themselves
16 unable to find a taxi and wanted
17 technology to do better. That is the
18 basis in my report of my opinions in
19 opinions 1 through 7.

20 BY MS. CARITIS:

21 Q. So I want to -- let's see. So on
22 kind of the end, paragraph 30, the next
23 paragraph after what I'm calling your
24 industry standard paragraph, paragraph 30
25 in your report, you note collectively

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2 these sources, and again they are the
3 three sources we've been discussing, the
4 industry standards, the other safety
5 critical industries and the peer practices
6 and benchmarks.

7 You say, "these sources have
8 established what I mean by industry
9 standards herein: A combination of
10 codified frameworks and practical
11 benchmarks that, taken together, define
12 the expectation for risk-based governance
13 in software product development where
14 foreseeable human safety risks are at
15 stake?"

16 Do you see that?

17 A. Yes.

18 Q. Are you aware -- you don't have
19 any citation to that paragraph; right?

20 A. I do not have a citation to that
21 paragraph, that is an accurate statement.

22 Q. Are you aware of any
23 peer-reviewed articles that suggest that
24 the industry standard as you define them
25 in paragraph 29 define the expectations

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2 for risk-based governance in software
3 product development where foreseeable
4 human safety risks are at stake?

5 MS. ELLIS: Objection, form.

6 THE WITNESS: It is my statement
7 that my 37 years of experience and
8 review of the materials that I
9 enumerate as my basis on this report
10 gives me a basis for an opinion on the
11 industry standards as I've quoted them
12 herein.

13 BY MS. CARITIS:

14 Q. I think earlier in your report
15 you note that one of the main goals of
16 your methodology would be for it to be
17 repeatable. Do you know what I'm talking
18 about?

19 A. Absolutely I am aware of that.

20 Q. Okay. If you handed the Uber
21 file to a different individual with your
22 experience, how would they go about
23 repeating the process that you did here,
24 what did you do?

25 A. If I handed the Uber file of

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2 documents that I reviewed to an individual
3 who had my 37 years of experience and
4 industry breadth and specific experience
5 in product development, my positing that
6 they would be able to repeat the process
7 that I went through and I am suggesting
8 likely would come to the same opinions.

9 Q. Okay, and I want to kind of know
10 specifics. So I hand them the file. What
11 do you tell them to do, read documents,
12 look at standards, what do you tell them
13 to do, how do they repeat it, what was
14 your process?

15 A. Sure. My methodology is the same
16 methodology I've used in my 37 years of
17 industry experience and 14 years of
18 litigation expert work. I used this
19 methodology to review Uber's documents,
20 compare its processes to recognized
21 lifecycle standards, and evaluate other
22 features, including those aimed at safety
23 outcomes were tested and measured against
24 their stated objectives once deployed.
25 The approach is consistent with the

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methodology that underlines my analysis.

I would begin by framing questions, establishing exclusion criteria, gather documentation comprehensively, organize findings in relation to those questions and synthesize conclusions across multiple sources of information. I would hand that new expert the same questions that I was asked, make available to them my 37 years of experience and learnings over that time period, and ask them to put themselves in front of the Everlaw system with two million records, and review the process of answering those questions using this methodology to see if they came to the same conclusion as what I posited, is that it is repeatable.

Q. You still haven't really explained when you say I utilized the same methodology. I still don't understand what that is. So what is your methodology, what did you do?

A. Paragraph 24 and 25, I established clear questions, applied

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2 experience and recognized frameworks,
3 gather and reviewed extensive documentary
4 evidence and measured processes against
5 articulated goals and standards. I would
6 then begin by framing questions, establish
7 inclusion and exclusion criteria, gather
8 documentation comprehensively, organize
9 findings in relation to those questions,
10 and synthesize my conclusions across the
11 multiple sources of information. I
12 believe I've written my methodology quite
13 specifically.

14 Q. On 27, you note that "I
15 established explicit criteria to identify
16 relevant documentation. My inclusion
17 criteria started with my experience in
18 software development for industries that
19 had foreseeable safety risks."

20 And then you identify the two
21 buckets we've already talked about, right,
22 the United Airlines logistics for flight
23 attendants and the banking systems related
24 to ATMs; right?

25 A. That's correct. I've been very

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2 specific there.

3 Q. How did your experience designing
4 a software reservation system help you
5 identify relevant documents related to the
6 Uber platform?

7 MS. ELLIS: Objection, form.

8 THE WITNESS: My experience in A
9 and B combined with my 37 years of
10 experience in product development and
11 the process that I went through
12 allowed me to look in Uber's
13 documentation for product development
14 lifecycle artifacts, TRDs, technical
15 resource documents, evaluation
16 documents on corporate issues, looked
17 at internal studies that I was able to
18 identify, finding success and failure
19 in mitigating sexual assault risk,
20 looked at documents in Uber's file
21 indicating their ability to have an
22 impact on the perception of safety and
23 come to opinions in the context of
24 their overall product development
25 lifecycle of the P1 and P0 priorities

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2 that they set, considered the relative
3 investment that they made across their
4 divisions or areas in the artifacts
5 that were provided on investment
6 choices and come to the conclusions
7 and opinions with the specific basis
8 that I've outlined in my report.

9 BY MS. CARITIS:

10 Q. Do you know how much Uber has
11 spent on safety from inception to today,
12 the total amount?

13 A. On page 22, in footnote 26, I
14 enumerate a set of documents that would
15 have been helpful if I had been given
16 broad access to everything that could have
17 been helpful in this case. I enumerate I
18 did not have access to safety or other
19 feature business cases, feature level
20 development budgets, resource allocation
21 records or return on investment analyses.
22 These are materials I would normally
23 review when assessing product development
24 governance and prioritization. I made
25 that statement because the question you

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2 just asked me, if I could know what they
3 totally spent on these things, I believe
4 would have been valuable to my analysis
5 but was not made available.

6 Q. So it's just a yes or no, you
7 don't know in total how much Uber has
8 spent on safety since its inception to
9 today; correct?

10 MS. ELLIS: Objection, asked and
11 answered.

12 THE WITNESS: I do not have a
13 document that shows me how much Uber
14 has spent under their definition of
15 safety, no, I do not.

16 BY MS. CARITIS:

17 Q. You also don't know if Lyft has
18 spent more or less than Uber on safety
19 features across Lyft's history; right?

20 MS. ELLIS: Objection, form.

21 THE WITNESS: I have not seen a
22 document indicating what Lyft has
23 spent on what I would be willing to
24 guarantee is a different definition of
25 safety from their inception to today

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2 either. That is a fair
3 representation.

4 BY MS. CARITIS:

5 Q. What do you mean that Lyft would
6 have a different definition of safety,
7 it's also a rideshare company; right?

8 A. Lyft is a company that is in the
9 business of putting people together in
10 taxicabs for the sake of transportation,
11 but as with Uber they do many, many other
12 things. The definition of safety in Uber
13 is not only designated by their rideshare
14 activities, but by their Uber Eats
15 activities, their logistics activities,
16 looks to insurance, looks to a whole set
17 of safety types that we have covered in my
18 report. I do not know that Uber would
19 have the same definition as Lyft in terms
20 of their investment in safety based on the
21 fact that they do different things.

22 Q. Okay. And to come to your
23 opinions today, you did not analyze the
24 product development lifecycle for Lyft;
25 fair?

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2 A. It is absolutely fair to say that
3 I did not have access to documents to
4 evaluate the product development lifecycle
5 of Lyft.

6 Q. And you did not take into account
7 whether or not Uber implemented a safety
8 feature before Lyft; right?

9 A. I have a document or two that
10 compared Uber and Lyft features. As you
11 may have noted in my opinion 2, I
12 enumerated a document that went through
13 the priorities of Uber's prioritization
14 process. One of them was on
15 competitiveness and there were a number of
16 documents that talked about when a feature
17 did or did not exist in other rideshare
18 environments before they created it. So I
19 was aware in quite a bit of detail about
20 where they saw themselves at competitive
21 advantage and competitive disadvantage on
22 features.

23 Q. I asked a very narrow different
24 question. Did you take into account and
25 consider whether or not Uber implemented

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2 safety features before Lyft did, yes or
3 no, did you take that into account?

4 MS. ELLIS: Objection, form,
5 asked and answered.

6 THE WITNESS: The specific answer
7 to your question is in the context of
8 the materials I relied on. One of the
9 materials I relied on was whether or
10 not Lyft had a feature when Uber was
11 developing it.

12 BY MS. CARITIS:

13 Q. Do you know that Uber invented
14 the RideCheck feature before Lyft?

15 MS. ELLIS: Objection, form.

16 THE WITNESS: I do not have that
17 specific detail at my fingertips.

18 BY MS. CARITIS:

19 Q. Are you aware that Uber invented
20 the text to 911 button before Lyft?

21 MS. ELLIS: Objection, form.

22 THE WITNESS: I do not have that
23 specific detail at my fingertips.

24 BY MS. CARITIS:

25 Q. Do you have any idea how much

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2 resource allocation it took for Uber to
3 invent the various safety features that
4 are available for every single rider
5 today?

6 MS. ELLIS: Objection, form.

7 THE WITNESS: As I have shown you
8 in my paragraph in opinion 2, Uber has
9 spent between [REDACTED]

10 [REDACTED]
11 [REDACTED] investing in features that
12 cover the entirety of safety and
13 insurance, which covers road safety as
14 well as all other insurance aspects.
15 That number strikes me as incredibly
16 low for the scale and scope of the
17 risks that they are managing.

18 BY MS. CARITIS:

19 Q. Do you know that -- you've given
20 me a percentage. Do you know how much
21 money they spent, not the percentage, how
22 much money they spent?

23 MS. ELLIS: Objection to form,
24 asked and answered.

25 THE WITNESS: The Uber documents

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2 that I have provided simply had
3 headcount. They did not turn
4 headcount into dollars.

5 BY MS. CARITIS:

6 Q. Do you know how much money Uber
7 spends on background checks annually?

8 MS. ELLIS: Objection to form.

9 THE WITNESS: I did not
10 personally research the amount of
11 money that usual has spent on
12 background checks.

13 BY MS. CARITIS:

14 Q. I want to talk a little bit about
15 the public benchmarks that you identify as
16 part of your industry standard discussion
17 on paragraph 113. We've already talked
18 about it a little bit.

19 Paragraph 113 appears to be
20 talking about capital allocation to the
21 safety. And you specifically identify
22 Airbnb's public statement concerning
23 allocation of 150 million to new safety
24 innovations. Do you see that?

25 A. I see that I specify the 150

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2 million and a growth rate that has
3 outpaced the rate of revenue growth.

4 Q. You would agree that just because
5 somebody says they are going to spend a
6 lot of money on safety, doesn't
7 necessarily mean that the product is safe?

8 MS. ELLIS: Objection, form.

9 THE WITNESS: I would state that
10 from my experience, every attempt to
11 make something safe does not lead to
12 making it safe.

13 BY MS. CARITIS:

14 Q. Do you know why it was that
15 Airbnb publicly stated in 2019 that it was
16 going to dedicate 150 million to new
17 safety innovations, do you know what led
18 to that?

19 MS. ELLIS: Objection to form.

20 THE WITNESS: If we can look at
21 my reference number 133, I believe
22 there was some commentary in the trust
23 innovation update protecting host and
24 guest Web page. I cannot remember
25 that specific at this moment.

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2 BY MS. CARITIS:

3 Q. Well, 133, the document you cite
4 is from Airbnb. Did you do any research
5 to determine if there were any other
6 factors that might have been going into
7 Airbnb's decision to publicly announce a
8 large investment in safety, did you look
9 into that?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: My research did not
12 include looking into Airbnb's history
13 and trying to come up with a reason
14 that they made that choice, no, I did
15 not.

16 BY MS. CARITIS:

17 Q. Do you think it would be fair to
18 benchmark Airbnb against Uber if the
19 reason that it was investing 150 million
20 dollars was because it had been receiving
21 significant backlash for its failure to
22 address safety problems in its product?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: What I would say is
25 you are focused on the 150 million

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2 dollars and I am focused on a growth
3 rate of safety investments that has
4 outpaced the rate of revenue growth.
5 Looking at the [REDACTED] that
6 Uber is spending on the total of
7 safety and insurance and comparing it
8 to an organization that has
9 experienced the growth of Airbnb where
10 the growth rate of safety investments
11 has outpaced the rate of revenue
12 growth is the kind of data point that
13 I was looking for to under how that [REDACTED]
14 [REDACTED] related to industry
15 public benchmarks.

16 BY MS. CARITIS:

17 Q. Okay. What if I'm a very unsafe
18 platform and I realize I need to dedicate
19 tons of money to fixing my platform,
20 right, do you know that that wasn't what
21 was going on with Airbnb?

22 MS. ELLIS: Objection, form.

23 THE WITNESS: I do not believe
24 knowing or not knowing that fact would
25 change my opinion in any way.

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2 BY MS. CARITIS:

3 Q. You said before that you had a
4 problem with Uber because some of its
5 safety features were based on perception;
6 right?

7 MS. ELLIS: Object to form and
8 mischaracterizes his testimony and
9 report.

10 THE WITNESS: I am going to
11 reiterate that I don't state anywhere
12 that I have a problem with Uber. I am
13 a fan of Uber. What I stated in my
14 report, I can read it again if you'd
15 like but we've done it five times now,
16 and so I'm happy to do that if that
17 would be helpful to you.

18 BY MS. CARITIS:

19 Q. Do you know whether or not Airbnb
20 decided to invest 150 million because it
21 had a safety reputation problem?

22 MS. ELLIS: Objection, form,
23 asked and answered.

24 THE WITNESS: I neither know, nor
25 do I believe that knowing that would

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2 change my opinion, nor do I believe
3 it's relevant. The point that I made
4 in that paragraph, which provided a
5 basis for my opinion in that section,
6 that growth rate of safety investments
7 has outpaced the rate of revenue
8 growth would have led to a different
9 outcome at Uber.

10 BY MS. CARITIS:

11 Q. Couldn't that also mean for
12 Airbnb that it just wasn't a very
13 profitable venture at this time?

14 MS. ELLIS: Object to form.

15 THE WITNESS: You're asking a
16 hypothetical that goes beyond the
17 scope of my report.

18 BY MS. CARITIS:

19 Q. I just want to make sure I
20 understand.

21 You just explained that in your
22 report, you identify Airbnb as a good
23 public benchmark to look at because the
24 growth rate of safety investment has
25 outpaced the rate of revenue growth.

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2 MS. ELLIS: Objection.

3 BY MS. CARITIS:

4 Q. Couldn't that also be a function
5 of the fact that they just didn't have a
6 lot of revenue?

7 MS. ELLIS: Object to form,
8 mischaracterizes the report and his
9 testimony.

10 THE WITNESS: I am comparing a
11 public statement by Airbnb that its
12 growth rate on safety investments has
13 outpaced the rate of revenue growth.
14 I am aware from my Bloomberg terminal
15 of the growth rate of Airbnb. I am
16 highlighting as a basis for my opinion
17 in this section public benchmarks show
18 that companies prioritize safety in
19 line with industry standards,
20 consistently allocate visible capacity
21 and capital to safety, and then
22 measure those events against incident
23 reduction. I believe that the state
24 of my report is very clear.

25 ///

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2 BY MS. CARITIS:

3 Q. You said that you were a fan of
4 Uber. How often do you use Uber?

5 A. I believe you have access to
6 those records but I use Uber every day.

7 Q. Have you ever had a safety
8 incident on the Uber platform?

9 MS. ELLIS: Objection, form.

10 THE WITNESS: I have never had a
11 physical violence sexual assault or
12 sexual misconduct on an Uber but I
13 have made a safety report on an Uber
14 before in the last 10 years.

15 BY MS. CARITIS:

16 Q. And you're able to make a report
17 on the application itself?

18 MS. ELLIS: Objection to form.

19 THE WITNESS: I made that safety
20 report on the application itself. It
21 was in relation to an Uber Eats
22 delivery.

23 BY MS. CARITIS:

24 Q. Understood. I think you already
25 mentioned that your husband uses the Uber

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2 application as well?

3 A. My husband uses the Uber
4 application as well and as we discussed
5 earlier, my husband uses the Share My Ride
6 feature on every ride.

7 Q. We talked a little bit in the
8 very beginning of the deposition that
9 there are five specific cases that your
10 report covers today and they are listed on
11 the front of your report. I understand
12 that you have read the complaints related
13 to the allegations for these five cases;
14 is that correct?

15 MS. ELLIS: Objection, form to
16 the extent that it characterizes the
17 report as covering any case-specific
18 details.

19 MS. CARITIS: I just want to know
20 if he read the complaint.

21 BY MS. CARITIS:

22 Q. Mr. Weiner, I'm trying to
23 understand if you read the complaints for
24 the five plaintiffs that this report
25 covers, B.L., A.R.2, LCHB128, Dean,

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2 WHB832.

3 A. I have read all five complaints
4 and I have printed out here in the room
5 the deposition testimony of the five
6 individuals.

7 Q. Okay. And you're aware that all
8 of the five, the letters, the ones that
9 are at issue right now, they roll 2019 and
10 on, do you understand that?

11 A. I am aware of the durations of
12 the five bellwethers, yes, absolutely. I
13 can correct my statement earlier when I
14 was reading one of the bellwethers, she
15 currently lives in Philadelphia but the
16 incident did not happen in Philadelphia.
17 That was the nature of my confusion
18 earlier and I apologize for that mistake.

19 Q. Thank you for that clarification.
20 You talk a little bit about foreseeable
21 risks throughout your report. Is it your
22 opinion that any of the five alleged
23 incidents at issue here, specifically
24 those incidents, were foreseeable to Uber?

25 MS. ELLIS: Objection to form.

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2 That goes outside the bounds of his
3 report and his testimony today.

4 THE WITNESS: I believe we can
5 agree reading the complaint does not
6 give me adequate information to form
7 an opinion as to whether those
8 particular events were foreseeable.

9 As we discussed S-RAD in some detail,
10 the amount of data necessary to have
11 opinions on that would take
12 considerable review.

13 BY MS. CARITIS:

14 Q. Okay. So Mr. Weiner, you're not
15 providing an expert opinion on the
16 foreseeability of the case-specific
17 incidents that are in the first wave of
18 the bellwether; correct?

19 MS. ELLIS: Objection, form,
20 asked and answered.

21 THE WITNESS: I am providing an
22 opinion on Uber. My opinions are
23 specifically stated to cover Uber and
24 all of its rides and all of its
25 drivers. They are not specific to the

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2 bellwethers.

3 BY MS. CARITIS:

4 Q. You're not providing an opinion
5 today that had Uber implemented any
6 additional safety feature, that any of the
7 five bellwethers alleged incidents would
8 not have occurred, you're not giving that
9 opinion; correct?

10 MS. ELLIS: Objection, form.

11 THE WITNESS: I am not giving a
12 specific opinion that I have analyzed
13 any data that would allow me to come
14 to the conclusion that if Uber had
15 implemented the three features which
16 have an effect on sexual assault and
17 sexual misconduct, these particular
18 cases could have been avoided. I will
19 reiterate that I have stated quite
20 clearly in my conclusion that there
21 likely would have been less sexual
22 assault and sexual misconduct if those
23 features had been implemented and
24 delivered the results enumerated in
25 Uber's studies.

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2 BY MS. CARITIS:

3 Q. Okay. And I think you already
4 told me this but I just want to be super
5 clear because it is very important. You
6 are not independently analyzing the
7 effectiveness of any proposed safety
8 feature or any implemented safety feature,
9 correct, you didn't run any test yourself
10 to figure out whether S-RAD actually was
11 effective, for example; is that right?

12 MS. ELLIS: Objection, form.

13 THE WITNESS: My opinions in this
14 report as stated rely on the testing
15 and analysis done by Uber. I have not
16 done any independent testing as part
17 of my work on this report.

18 BY MS. CARITIS:

19 Q. Okay. So for the three features
20 that in your report you identify as those
21 that Uber says could have decreased sexual
22 misconduct, those are -- that's S-RAD,
23 right, that's the first one. The next one
24 is women's preference, be that women rider
25 preferred or women driver preferred,

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2 that's the second; correct?

3 A. I enumerated it as
4 Women-to-Women. I didn't enumerate a
5 specific program. I enumerated it as
6 women's ability to select women in either
7 direction.

8 Q. Got it. And then the third would
9 be dashcams or audio recording; is that
10 right?

11 MS. ELLIS: Objection, form,
12 mischaracterizes the testimony and
13 opinions.

14 BY MS. CARITIS:

15 Q. Just correct me if it's wrong. I
16 just want to make sure I understand.

17 A. I enumerated in my opinion on
18 audio and video recording that Uber had
19 the ability as of 2000 -- that's the wrong
20 opinion. Let me get to the right opinion.
21 Sorry about that. That Uber had the
22 ability by no later than 2020 to -- they
23 had the technical capacity to deploy
24 mandatory audio and video recording that
25 its own studies associated reductions in

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2 interpersonal conflict, including sexual
3 assault and sexual misconduct. Uber
4 nonetheless delayed and restricted the
5 development of prioritizing growth, legal
6 and reputational considerations over the
7 timely adoption of safety measures
8 identified in this internal analysis. And
9 as I read in my conclusion I also
10 summarized that if these three features
11 had been more aggressively prioritized,
12 there is a reasonable chance there would
13 have been less sexual assault and sexual
14 violence on the platform.

15 Q. First off, again at break and
16 we're close to one, at break if you can
17 please take a look at that document to
18 determine if you see anything that defines
19 a statistical significant decrease in
20 physical interpersonal conflict in
21 connection with dashcams. So that's
22 something we're going to look at so I'm
23 going to put that to the side. S-RAD
24 was -- it is utilized currently; right?

25 A. S-RAD is utilized and in my

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2 report I highlight a few things, the speed
3 of deployment, the size of the treatment
4 group and the size of the holdback group
5 which my product development experience
6 tells me could have been prioritized
7 differently.

8 Q. Are you aware of any
9 plaintiffs -- when was S-RAD rolled out,
10 2017, does that sound right to you?

11 A. No. Let me find that for you.
12 2017 I believe was the first main pilot.
13 I said that by 2010 and no later than 2017
14 they had the technical ability to identify
15 high-risk pairings. I'm looking for the
16 year of rollout. It's not on there. I
17 know I have it in my report.

18 Q. That's okay. I'll take a look at
19 break and can refer you to something. We
20 don't need to waste the time on that now.

21 In terms of audio recording you
22 would agree in 2021 that became available
23 for all riders and drivers on the
24 platform; correct?

25 MS. ELLIS: Objection, form.

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2 THE WITNESS: I can agree that
3 voluntary audio recording in the
4 control of the rider and driver was
5 available by that year, but as my
6 report states, I am stating that
7 mandatory audio and video recording
8 has the potential to happen now.

9 BY MS. CARITIS:

10 Q. Well, in 2021 a rider could have
11 the audio recording on at all times on the
12 ride; right? That was available in 2021,
13 agree?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: Audio recording was
16 available in the United States on the
17 rider app in 2021.

18 MS. CARITIS: Okay. Why don't we
19 go off the record.

20 MS. ELLIS: Before we do, I'm
21 just going to object to your request
22 that Mr. Weiner use the break to do
23 anything with the documents while we
24 previously agreed that I can provide
25 you the Bates numbers for the

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2 documents. We've been going for
3 almost over --

4 MS. CARITIS: That's fine. I
5 literally don't know what he has.
6 He's saying that he might have
7 something that shows statistical
8 significance. I'm not aware of that.
9 If you provide me the document, I'm
10 happy to do it. I need a clear answer
11 on that question and he was suggesting
12 it might be in one of the documents he
13 has in front of him. So if you send
14 me that list, I'll take a look and
15 that's fine. I'm not asking him to do
16 more work. I'm asking him to -- I
17 just need to know what he's talking
18 about.

19 MS. ELLIS: I will go ahead and
20 get you that list of the couple of
21 Bates number documents that he has in
22 front of him.

23 MS. CARITIS: Thank you.

24 THE VIDEOGRAPHER: We're going
25 off the record. This is the end of

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2 media unit 6. The time is 4:50.

3 (Recess taken from 4:50 p.m. to
4 5:15 p.m.)

5 THE VIDEOGRAPHER: We're back on
6 the record. This is the beginning of
7 media unit 7. The time is 5:15.

8 THE WITNESS: Ms. Caritis, the
9 homework assignment I have the basis
10 for my opinion on audio and video
11 recording can be found in paragraph
12 200, footnote 273 which is quoted as
13 proven to work.

14 MS. ELLIS: Just to clarify, that
15 is in response to an earlier question
16 that was asked and is not the entirety
17 of the basis for your opinion.

18 THE WITNESS: No, that particular
19 question is the answer to the question
20 on the document that I was referring
21 to.

22 BY MS. CARITIS:

23 Q. Thanks. And I'll just quickly
24 follow-up on that.

25 What you just cited to me within

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2 paragraph 200 of your report, it says, "It
3 is my opinion, while this opt-in and
4 post-incident submission model provides
5 the benefit Uber measured its internal
6 studies, it does not fully achieve the
7 'bystander intervention' impact that
8 Uber's documents report as 'proven to
9 work.' "

10 Do you see that?

11 A. I do.

12 Q. Okay. And sitting here today, do
13 you know what that document means or is
14 referring to when it says proven to work?

15 MS. ELLIS: Objection to form.

16 THE WITNESS: I have what is in
17 the black and white of my report. If
18 you need us to pull that document and
19 review it again we can. But what I
20 relied on is that document's statement
21 that Uber had proven this model to
22 work and it went in quite a bit of
23 detail about the bystander impact and
24 how they could build a model that was
25 effective.

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2 BY MS. CARITIS:

3 Q. Okay.

4 A. Sorry.

5 Q. No, I'm sorry. I was not looking
6 up. That was my fault. I didn't realize
7 you were still speaking.

8 A. No worries.

9 Q. So this is in connection with
10 in-app video recording. Sitting here
11 today, you don't recall by proven to work
12 if the document was talking about a
13 decrease in sexual misconduct?

14 A. I was specifically referring to
15 your question answering my statement that
16 I prefer statistically significant studies
17 where I said that I relied on Uber's
18 posits and opinions and experiments. And
19 the specific experiment that I was
20 referring to when it discussed video
21 recording was the one referenced by
22 Ms. Esteves where audio and video
23 recording under a bystander model was
24 proven to work.

25 Q. You don't have any experience in

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2 criminology; right, Mr. Weiner?

3 MS. ELLIS: Object to form.

4 THE WITNESS: I don't want to
5 debate with you the word experience
6 but if I can answer it as I have no
7 training in criminology, that would be
8 the easiest thing I think I can do.

9 BY MS. CARITIS:

10 Q. That's what I meant. You're not
11 a criminologist by education or training;
12 right?

13 A. I have no education or training
14 in criminology.

15 Q. You talked a little bit today
16 about a few projects that incorporated
17 cameras. In your experience we talked one
18 about the ATM streaming camera that you
19 worked on back in I believe it was the
20 1990s?

21 A. Yes.

22 Q. And then you talked a little bit
23 about a app, it's not a camera but it
24 streams video -- excuse me, it streams
25 audio that you're working on through your

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2 board work for a nonprofit.

3 Do you have -- what other
4 experiences do you have in developing, so
5 specific to developing camera products?

6 A. We talked about my experience at
7 Weiner.net with a video streaming product.
8 I believe you asked quite a number of
9 questions about that project as well.

10 Q. So other than that, those are the
11 experiences that is come to mind when we
12 talk about video streaming and cameras,
13 the ones that we've already discussed in
14 this deposition today?

15 MS. ELLIS: Object to form.

16 THE WITNESS: Those are the
17 personal experiences I have
18 absolutely, but I believe you will
19 find in the basis for my opinion quite
20 a number of references to research
21 that I did both of peer-reviewed
22 articles and public statements that
23 supported my opinion in detail.

24 BY MS. CARITIS:

25 Q. And I want to distinguish between

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2 the technical capability opinion of
3 dashcam and the effectiveness at deterring
4 misconduct problem. So when I'm asking
5 you questions now I'm talking about the
6 effectiveness of deterring sexual assault.

7 Did you review any studies,
8 peer-reviewed studies that suggest that
9 surveillance cameras of any kind have an
10 impact on violent crime? I'm talking
11 about peer-reviewed, not Uber studies.

12 MS. ELLIS: Object to form.

13 THE WITNESS: There was a
14 peer-reviewed study, let me find it.

15 Speaking to codecs -- I'm sorry,
16 let me find it first and then be
17 clear. Forgive me.

18 Okay, in footnote 266, we have a
19 peer-reviewed study from Basel,
20 Switzerland on video codecs and their
21 impact on perception basis.

22 BY MS. CARITIS:

23 Q. Okay. But you have not reviewed
24 any studies or literature confirming or
25 discussing the potential deterrence effect

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2 of surveillance cameras on crime; right?

3 A. My opinions on the deterrence
4 effect of video cameras in Ubers are based
5 on Uber's assertions.

6 Q. Were you aware that Uber actually
7 had a full-time employee that was a
8 criminal justice researcher?

9 MS. ELLIS: Object to form.

10 THE WITNESS: I was not aware of
11 that fact. I also did review Uber's
12 rebuttal report from a criminal
13 expert.

14 BY MS. CARITIS:

15 Q. We'll talk about the reports in a
16 minute but let's focus just first on
17 internal Uber documents. So you are not
18 familiar with the name Sytske Besemer,
19 you're not familiar with that name?

20 A. I do not recall reviewing a
21 document from a Sytske Besemer. If you're
22 affirming that I have one in my materials
23 relied on I can refresh my memory.

24 Q. To be candid, your list is so
25 long I don't know if it is included in one

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2 of them. It was just a different
3 document. I can put it up on the screen.

4 MS. CARITIS: Mr. Delaney, can we
5 mark please, tab 60 as our next marked
6 exhibit. I think we're at 11.

7 (Exhibit 10, e-mail from Sytske
8 Besemer, marked for identification.)

9 MS. CARITIS: This, Mr. Weiner,
10 is an April 2018 e-mail from Sytske
11 Besemer to other folks at the company
12 discussing her literature review
13 concerning the deterrent impact of
14 cameras on cars. Take a quick second,
15 it's one page so hopefully you can
16 review it quickly.

17 MS. ELLIS: I'll just note it
18 looks like we've lost access to Box.
19 I'm going to try to get it back but
20 we'll look at the screen in the
21 meantime.

22 MR. DELANEY: Alex, just a small
23 correction. This is Exhibit 10. We
24 didn't actually have the Exhibit 9
25 earlier when we first attempted.

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2 MS. CARITIS: Thank you so much.

3 BY MS. CARITIS:

4 Q. Mr. Weiner, I'm not going to quiz
5 you on this, but have you had a second to
6 review and familiarize yourself with the
7 document?

8 A. I have. What's jumping out at me
9 which is consistent with Ms. Esteves's
10 deposition testimony is the statement from
11 maximum deterrents, the certainty of
12 apprehension, policy is recommended where
13 the camera must be switched on and parties
14 to the interaction should not have the
15 power to turn off the camera. That is
16 consistent with Ms. Esteves's deposition
17 and my opinion, without having to read it
18 to you in full once again, says that they
19 have the technical capacity to deploy
20 mandatory and audio recording features
21 that its own studies associated with
22 reductions in interpersonal conflicts.

23 Q. I understand that. Prior to
24 today, do you remember reviewing this
25 document?

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2 A. I do not remember reviewing this
3 document. I have now reviewed this
4 document and it does not change my
5 opinion.

6 Q. Okay. Well, you would agree that
7 it's important to the product development
8 lifecycle to determine the effectiveness,
9 the potential effectiveness of any risk
10 intervention; right?

11 A. Absolutely, and I reviewed a
12 number of documents like this one which
13 stated that the driver's ability to turn
14 off or dispose of the footage reduced its
15 deterrent effects significantly, including
16 the expert report that you provided as a
17 rebuttal.

18 Q. You have never developed a
19 in-vehicle, correct, an application that
20 was utilized in a vehicle; is that right?

21 MS. ELLIS: Object to form.

22 THE WITNESS: The fact is that
23 some of the apps that I have developed
24 have been used by individuals in
25 vehicles, but I haven't heard about an

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2 app that is designed to be an
3 in-vehicle app.

4 BY MS. CARITIS:

5 Q. That is a better question, thank
6 you.

7 You've never developed an app
8 that was designed with the purpose of
9 being integrated or utilized in a vehicle;
10 is that fair?

11 A. That is a fair characterization
12 of my background in app development.

13 Q. And I understand you're
14 specifically talking about the in-app
15 audio and video recording, but you don't
16 have any prior experience concerning
17 commercial fleet telematics; is that
18 right?

19 MS. ELLIS: Objection, form.

20 THE WITNESS: I do not have
21 personal experience in fleet
22 telematics. I have read quite a
23 number of Uber's documents as it
24 relates to audio and video recording
25 and the studies that they have done in

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2 considerable detail.

3 BY MS. CARITIS:

4 Q. You referenced while we were
5 taking a look at Exhibit 10 that in your
6 mind, one of the keys to dashcams is that
7 the driver can't turn it off; is that
8 right?

9 A. From what I have seen of Uber's
10 documents, the ability of the driver to
11 turn off or discard the footage lowers the
12 deterrent effect.

13 Q. Based on your product development
14 experience, can you think of a dashcam
15 system where the driver couldn't simply
16 turn off the dashcam?

17 MS. ELLIS: Objection, form.

18 THE WITNESS: I am familiar with
19 Uber's experiments in in-app recording
20 where Uber can be aware if the driver
21 stops the recording which has the
22 ability to have a deterrent effect.

23 BY MS. CARITIS:

24 Q. The basis for your opinion that
25 it has the ability to have a deterrent

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2 effect, you're basing that on what you
3 read in Uber documents; right? You don't
4 have an independent opinion on the
5 deterrent effect of an in-app recording
6 feature; right?

7 MS. ELLIS: Objection, form.

8 THE WITNESS: I have relied on
9 Uber's documents to assess the
10 deterrent effect of video recording in
11 a car.

12 BY MS. CARITIS:

13 Q. The in-app recording feature, the
14 pilot with the video and the one that's
15 rolled out for rider's audio, it only --
16 let me redo.

17 For the in-app recording, video
18 recording, that is triggered when the trip
19 is in process; right?

20 A. I am not specifically aware of
21 the detailed answer to that question. I
22 have relied quite heavily on Ms. Esteves's
23 deposition which went into considerable
24 detail on in-app video and recording,
25 which we can refer to if we need to.

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2 Q. I'm just trying to figure out,
3 you would agree that if I'm a driver, I
4 have in-app video on, it's mandatory, but
5 if I end the trip, it's going to stop
6 recording. You would agree?

7 MS. ELLIS: Object to form.

8 THE WITNESS: I believe I made
9 statements about that in my document,
10 either that Uber has the ability to
11 know where the rider and the driver
12 are, they certainly could design the
13 feature so that it ended at the end of
14 the ride. That is a possibility
15 within the realm of technical
16 feasibility. But they also have the
17 technical feasibility to monitor the
18 rider and driver if they remain in the
19 same location continued to monitor the
20 ride. So I would not agree that
21 ending a ride necessarily technically
22 ends Uber's ability to monitor the
23 ride.

24 BY MS. CARITIS:

25 Q. I'm asking about a specific way

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2 to monitor, the video being on. We just
3 determined that Uber's documents and your
4 opinion suggest that the deterrent impact
5 is increased when the camera can't be
6 turned off by the driver. All I'm saying
7 is even if it's in-app, an Uber driver can
8 turn off the app, I understand that Uber
9 might know, but that doesn't physically
10 prevent or technically prevent the driver
11 from turning it off, you would agree?

12 MS. ELLIS: Object to form.

13 THE WITNESS: I believe it is
14 fair to say if the Uber driver threw
15 his phone out the window, it would
16 stop recording the car.

17 BY MS. CARITIS:

18 Q. For any other way that he moves
19 the camera or phone away from the cab of
20 the vehicle; right?

21 MS. ELLIS: Object to the form.

22 THE WITNESS: I'd rather not
23 posit hypotheticals on this. I would
24 rather stick with the facts that have
25 been presented and those facts are

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2 that Uber has the technical capability
3 to turn the recording on and off.

4 BY MS. CARITIS:

5 Q. Right. But not to ensure that
6 every single interaction between the
7 driver and a passenger is captured; right?

8 MS. ELLIS: Object.

9 THE WITNESS: Let me go
10 specifically to the statement I made.
11 That might be helpful.

12 On paragraph 213 is what I'm
13 going to refer now. "In my opinion,
14 based on my review of Uber's internal
15 documents, combined with my
16 professional experience and knowledge
17 of smartphone capabilities between
18 2020 and 2025, Uber had the technical
19 ability to control camera and audio
20 recording features within its app in
21 response to contextual triggers. For
22 example, Uber could have used GPS
23 signals to detect when a driver
24 lingered after a trip or when both the
25 Uber driver and a rider remained at a

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2 location other than the destination.

3 These events could have automatically
4 triggered audio or video recording at
5 Uber's discretion."

6 BY MS. CARITIS:

7 Q. I understand that. So let's say
8 it's triggered. I'm the driver, I have my
9 camera on because it has to be. Uber puts
10 it on. I can put my camera down on the
11 seat so that even if Uber is turning it
12 on, it's not recording the criminal
13 conduct that's occurring in the vehicle.
14 Would that be fair?

15 A. The driver as I posited in the
16 hypothetical of throwing it out the window
17 can stop the recording effect but Uber can
18 also know that and do something about it.

19 Q. Have you researched or looked
20 into the impact of cellular network speed
21 in a moving vehicle as opposed to in a
22 stationary spot?

23 MS. ELLIS: Objection, form.

24 THE WITNESS: I have reviewed and
25 cited opinions about the difficulty

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2 and opportunity of connectivity in a
3 moving vehicle. I have not personally
4 worked on a product that was designed
5 to operate in a moving vehicle. I
6 have relied on the documents that I
7 cited as evidence.

8 BY MS. CARITIS:

9 Q. You mentioned that you have
10 reviewed a rebuttal report of a
11 criminologist and I'm not suggesting you
12 should know the terms of what we call
13 these million experts but I want to make
14 sure I understand the reports or
15 depositions of experts that you reviewed.

16 In your report, materials
17 considered, you cite a handful of reports
18 that are actually from a different Uber
19 litigation.

20 A. The report I was specifically
21 referring to, would you like me to pull up
22 the name of the individual?

23 Q. That would be great. I'm trying
24 to find it.

25 A. Let me look quickly to respond to

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2 your question.

3 I can't pull it up quickly. I'm
4 sorry. It was an Uber report of a
5 criminologist.

6 Q. Is it Dr. Piza?

7 A. I've officially decided that
8 Tiffany's computer is slow.

9 Q. We can worry about this later. I
10 don't want us to waste our time.

11 Have you -- and this can be a yes
12 or no and maybe you all can send me a
13 list. Have you reviewed expert reports
14 that were recently served?

15 There were two different
16 litigations and you cite some from the
17 JCCPs. I'm trying to find out if you
18 subsequent to your report here reviewed
19 any other expert reports in this
20 litigation.

21 A. Since returning from my retreat,
22 I have reviewed the Wilson report and I
23 believe I reviewed another report that was
24 served after my report was submitted.

25 Q. Okay. I want to talk now in the

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2 last bit of time we have about your
3 opinion concerning Uber's mechanism for
4 reporting sexual assault or sexual
5 misconduct in the app.

6 A. Of course.

7 Q. We talked a little bit about this
8 earlier in connection with some of your
9 early work for a travel agency, but you
10 have no direct experience designing a
11 reporting process related to sexual
12 assault or sexual misconduct; is that
13 right?

14 MS. ELLIS: Objection, form.

15 THE WITNESS: As it specifically
16 relates to sexual assault and sexual
17 misconduct, I have not personally had
18 that experience before, correct.

19 BY MS. CARITIS:

20 Q. I would like to turn to the
21 appendix, what is it, Exhibit D of your
22 report.

23 A. Okay.

24 MS. CARITIS: Curtis, it's like
25 super in the back and unfortunately I

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2 don't know the Bates number, but it's
3 Exhibit D of what we're calling -- we
4 labeled as Exhibit 1. It says
5 Reporting Sexual Violence in the Uber
6 App.

7 THE WITNESS: Yes.

8 BY MS. CARITIS:

9 Q. And I want to just talk a little
10 bit about the flow for reporting as you
11 identify it here. So at a high level,
12 let's find it because I know you're going
13 to want me to be precise.

14 Your opinion 8 is that "As of
15 September 2025 (the time of this report),
16 Uber rider app still lacks a clear
17 dedicated and intuitive pathway for sexual
18 assault and misconduct, instead requiring
19 riders to use vague categories such as
20 'driver behavior' or 'other.'"

21 That's your opinion 8 of at least
22 the first few sentences and then you
23 continue to elaborate; is that right?

24 A. Exactly what is written here,
25 yes.

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2 Q. Now, I want to go to what Curtis
3 pulled up for us and that's your Exhibit D
4 which describes the flow for Uber's
5 reporting here.

6 So it looks like you took a
7 screenshot from your own Uber application
8 and you identify on page 3 of this exhibit
9 that at the top of the screen you see a
10 clearly labeled blue icon visible on the
11 upper right-hand corner of the main screen
12 which says Safety. That's what you
13 included in this page; right?

14 A. This particular part of the
15 appendix is going over those features that
16 are available during the ride.

17 Q. Okay. And there's actually a
18 feature on here that is available before.
19 And if we look at the bottom of your
20 screenshot I see a license plate that
21 starts with T, I see the type of vehicle,
22 I see the driver's name and I see a star
23 rating. Do you see that at the bottom of
24 page?

25 A. I see these descriptors of the

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2 driver and the vehicle and the car, yes.

3 Q. And both have the Uber passenger
4 and as an expert in this litigation,
5 you're aware that anytime an individual is
6 matched with a driver, a safety feature
7 that was built into the product is that
8 I'm provided the license plate and the
9 name and rating of the driver. You're
10 aware of that?

11 A. I've had the experience of seeing
12 that feature and I have seen Uber's
13 documents describing that as a safety
14 feature.

15 Q. Okay. And turning to the next
16 page of your exhibit, and what you're
17 describing here is not only does it say
18 safety at the top of the screen but if you
19 click in, you're actually then provided
20 with some additional in-trip safety
21 features. Do you see that identified on
22 page 4 of your report?

23 A. Absolutely.

24 Q. And the safety features that it
25 immediately brings to your screen are

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2 Contact 911, Record audio, Share trip
3 status and Report safety issue. Do you
4 see that?

5 A. I do.

6 Q. Looks like then you took some
7 screenshots of actually clicking in to the
8 features that are available to all riders
9 in-app during trip and the first on page 5
10 is the 911 Assistance. Do you see that?

11 A. I do.

12 Q. And it looks like there's two
13 options to trigger this feature. You can
14 swipe or swipe to call or click button to
15 text. Do you see that's been included and
16 integrated into the Uber platform?

17 A. I do. We talked about those
18 features earlier today.

19 Q. Okay. You note in the text above
20 the screenshots, "A rider who is
21 experiencing sexual violence while still
22 on a ride might reasonably select this
23 option if they are able to do so under
24 high stress and traumatic circumstances."

25 Do you see that?

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2 A. I do.

3 Q. Okay. You're not providing an
4 opinion one way or the other about whether
5 or not a sexual assault victim would be
6 more likely or not to be able to utilize
7 this feature; right?

8 MS. ELLIS: Object to form.

9 THE WITNESS: I do not have an
10 opinion on whether or not a rider who
11 is experiencing sexual violence while
12 still on the ride might reasonably
13 select this option if they are able to
14 do so under high-stress and traumatic
15 circumstances. I pulled that
16 particular data point from Uber's own
17 documents.

18 BY MS. CARITIS:

19 Q. The next page, moving to page 6,
20 you identify additional options that are
21 available during the ride, including Share
22 My Trip, audio recording and others and
23 something that explicitly says report
24 safety issue and direct someone to the
25 previous 911 button option. Do you see

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2 that where you identified those
3 screenshots on page 6?

4 A. Yes, I took those screenshots in
5 my Uber app on the date enumerated in this
6 section.

7 Q. And then on page 7, we're still
8 kind of in the during trip features and
9 availability and we see Get more safety
10 check-ins, Use PIN verification, Record
11 audio, Share trip. This is identifying
12 the ability to automatically initiate
13 various safety features on the Uber
14 application whenever somebody gets in the
15 vehicle; right?

16 A. As you can see at the bottom in
17 the schedule section, this highlights that
18 you can schedule it for all rides. I
19 believe pressing that button gives you
20 other options as well.

21 Q. In fact, Uber actually says that
22 it's recommended to schedule the safety
23 features that it has created for all
24 rides. Do you see that there at the
25 bottom?

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2 A. The word recommended clearly
3 appears on that button, yes.

4 Q. And as we said, one of the four
5 safety features that you can schedule as a
6 rider is record audio; right?

7 A. That is true. The record audio
8 feature can send us a recording to report
9 safety issue. It will record on the
10 rider's phone in its current
11 implementation.

12 Q. And because there's the ability
13 to schedule it, there's the functionality
14 for the audio recording to turn on during
15 a trip, even if the rider is unable for
16 whatever reason to initiate the recording
17 by hitting a button; right?

18 MS. ELLIS: Object to form.

19 THE WITNESS: As I understand the
20 safety feature, Uber riders have the
21 ability to turn an audio recording as
22 a default option that will record from
23 the start to the end of an Uber ride.

24 BY MS. CARITIS:

25 Q. Page 8 and 9 talk about another

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2 in-app option that Uber has integrated and
3 actually rolled out through its product
4 development lifecycle, and that's contact
5 a safety agent where there's either a text
6 or a phone call from ADT. You're aware of
7 that feature?

8 A. I have documented that feature on
9 page 8 and 9 of this appendix.

10 Q. You then on pages 10 and 11, you
11 then move on to reporting availability
12 after a trip has ended; is that right?

13 A. This particular paragraph 10
14 begins the process of post-ride reporting,
15 yes.

16 Q. Okay. Do you have an opinion as
17 to -- is it your opinion that Uber should
18 have additional reporting available while
19 they are on trip?

20 MS. ELLIS: Object to form.

21 THE WITNESS: The question I was
22 asked and enumerated in my opinion 8
23 was that it still lacks a clear
24 dedicated and intuitive reporting
25 pathway for sexual assault and sexual

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2 misconduct. That is the only opinion
3 I am positing as to the safety
4 features.

5 BY MS. CARITIS:

6 Q. Okay. So you're not specifically
7 opining as to when that clear pathway
8 should exist, it's simply identifying that
9 there is not a clear reporting pathway; is
10 that right?

11 MS. ELLIS: Form.

12 THE WITNESS: As of 2025 at the
13 time of this report, Uber's rider app
14 still lacks a clear dedicated and
15 intuitive reporting pathway for sexual
16 assault and misconduct. It goes on
17 instead requiring riders to use vague
18 categories such as driver behavior or
19 other. We can refer back to the
20 question I was asked, if that would be
21 helpful earlier in my report.

22 BY MS. CARITIS:

23 Q. No, this is great. We can keep
24 going, thank you.

25 So are you defining reporting

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2 pathway to exclude safety features that
3 report incidents directly to a safety
4 agent or 911?

5 MS. ELLIS: Object to form.

6 THE WITNESS: I am not including
7 or excluding any safety feature at
8 all. The ability to enumerate and
9 call 911 does not constitute, as I was
10 asked, a clear dedicated and intuitive
11 reporting pathway for sexual assault
12 and misconduct. It gives the --

13 BY MS. CARITIS:

14 Q. That's --

15 A. -- ability to call 911.

16 Q. Well, you also see information
17 that Uber provides ADT and 911. It
18 provides the vehicle information along
19 with some information concerning the trip.
20 So is it your opinion that the ADT button
21 and the 911 button does not constitute a
22 reporting avenue?

23 MS. ELLIS: Object to form.

24 THE WITNESS: So as you know,
25 I've been really precise with this.

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2 The ability to call a 911 agent or
3 call an ADT key agent is different
4 than a clear dedicated and intuitive
5 reporting pathway for sexual assault
6 and misconduct. If I'm looking at
7 this ADT button I do not see the words
8 sexual assault, I don't see the words
9 sexual misconduct. I have seen in
10 other rideshare apps much clearer
11 pathways for reporting these kinds of
12 issues. Clear pathways does not
13 appear as of my report in the Uber
14 rideshare app.

15 BY MS. CARITIS:

16 Q. So let's talk a little bit about
17 that because you made a big deal about how
18 there aren't that many people in the
19 rideshare industry, it's really just Uber
20 and Lyft. So are you suggesting that Lyft
21 has a clearer reporting pathway for sexual
22 assault or sexual misconduct in their app?

23 MS. ELLIS: Object to form.

24 THE WITNESS: I do not have
25 documented here in my report the

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2 screenshots that I have seen on the
3 Lyft app at this time.

4 BY MS. CARITIS:

5 Q. You cut out a little bit. Can
6 you repeat that? I'm sorry, Mr. Weiner.

7 A. Sure. My review of the Lyft app
8 was not included in my final report so no,
9 I do not have an opinion as to Lyft's app
10 at this time.

11 Q. What were you referring to when
12 you said you've seen in other rideshare
13 applications clearer reporting structures
14 than Uber's?

15 A. I've seen the word sexual
16 violence in the Lyft app.

17 Q. So sitting here today, you're
18 saying that Lyft has a clear reporting
19 structure because you've seen the term
20 sexual violence in their app?

21 MS. ELLIS: Objection to form,
22 misstates the testimony.

23 THE WITNESS: If you would like,
24 I can go back and get the Lyft app
25 terms and be very precise. At this

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2 stage and moment, what I'm going to
3 say is that I was comparing this
4 process to other rideshare apps and in
5 a relative basis, this was not as
6 clear as others that I saw. I can
7 give precise answers to your questions
8 if you would like.

9 MS. CARITIS: If you're relying
10 on any other materials including the
11 Lyft application, then I would ask
12 that you please supplement your
13 reliance list and provide those
14 materials because they are not
15 currently stated.

16 MS. ELLIS: Object to form and
17 mischaracterizes the testimony.

18 THE WITNESS: I did not say I
19 relied on them, I said I saw them.
20 They are different. My reliance is
21 entirely documented in this report.
22 This report clearly shows the Uber
23 screens. Nowhere on the Uber screens
24 do you see the words sexual violence
25 or sexual misconduct in any way, shape

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2 or form throughout the reporting
3 process. The opportunities to make
4 such reports involve driver behavior
5 and other.

6 BY MS. CARITIS:

7 Q. Okay. Just to be very clear, I
8 asked you what your basis was for
9 concluding that the Uber structure was not
10 clear and you said it's based on what
11 you've seen in other rideshare
12 applications, to which I asked what are
13 you talking about and you said Lyft. So
14 that's what I'm talking about. If you are
15 relying on Lyft, that's great, but I ask
16 that you please produce those documents,
17 or if that's not what you're saying, to
18 clarify so I can understand the basis for
19 your opinion that Uber's reporting
20 structure on its app is some way less
21 clear than in other rideshares, that's
22 what I would like to know. So if you have
23 basis for that, I would like to know the
24 basis.

25 MS. ELLIS: Counsel, I'm going to

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2 have to object to your entire
3 soliloquy there. That is not what his
4 testimony was. He did not say he was
5 relying upon anything that he's seen,
6 simply mentioning that he'd seen it
7 and that all of his opinions and the
8 bases for his opinions are contained
9 in this report. And we can have our
10 court reporter read it back. It's at
11 lines 361-12 to line 361-18 if it's
12 unclear because he did not say he was
13 relying on anything other than what's
14 in his report.

15 THE WITNESS: Everything I relied
16 on for these opinions is in this
17 report and the opinion does not state
18 a comparison. It states that the Uber
19 rider app lacks a clear dedicated and
20 intuitive reporting pathway.

21 BY MS. CARITIS:

22 Q. Okay. So to come to that
23 opinion, you did not conduct a comparative
24 analysis between the reporting mechanisms
25 or structures in the Lyft platform to come

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2 to this opinion, you didn't do a
3 comparative analysis; right?

4 A. That is correct. The analysis
5 that I put it is enumerated and documented
6 in the screenshots in the exhibit we were
7 just going through.

8 Q. Did you ask any rideshare
9 passenger whether they agreed with you
10 that it was unclear that if they had a
11 sexual assault complaint, they should tap
12 driver behavior, did you ask anyone else
13 if they didn't think that wasn't clear?

14 MS. ELLIS: Object to form.

15 THE WITNESS: My opinion, like
16 all of my opinions in this report, are
17 based on my 37 years of experience in
18 product development. Any external
19 data that I used as part of the basis
20 for my opinions is documented in my
21 report. I did not enumerate, nor did
22 I ask any other individuals for their
23 opinion in order to safely form my
24 opinion that the Uber rider app still
25 lacks a clear, dedicated and intuitive

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2 reporting pathway.

3 BY MS. CARITIS:

4 Q. So it's based on your -- let's
5 look at this a little more. On page 12,
6 let's start actually where is it? On page
7 11 of your report, we're after trip now,
8 and you note that you can rate a trip and
9 then you're provided options to provide
10 more feedback.

11 A. That is correct.

12 Q. Okay. On page 12, you can
13 identify more trip issues and one is
14 Driver behavior. Do you see that?

15 A. That is correct, I see the page
16 13.

17 Q. And it's your opinion that if
18 somebody is trying to report a sexual
19 misconduct or sexual assault, they are not
20 going to know to click on the term driver
21 behavior?

22 MS. ELLIS: Object to form.

23 THE WITNESS: My opinion as
24 written here is that when pressing the
25 more issues option, you are presented

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2 a screen with five options but none of
3 the options directly indicate sexual
4 violence. Driver behavior is listed
5 as the only option that lastly might
6 be selected to make as much a report
7 when considering Dangerous driving,
8 Vehicle, Navigation and Pickup/Dropoff
9 as the other options.

10 BY MS. CARITIS:

11 Q. Okay. And the basis for your
12 opinion that it's unclear, that if I'm
13 trying to report a sexual assault or
14 sexual misconduct I should hit driver
15 behavior is your 37 years of experience in
16 product development, that the basis;
17 right?

18 MS. ELLIS: Objection.

19 THE WITNESS: The basis of my
20 opinions is clearly documented in my
21 report. All of the paragraphs that
22 follow on the exhibit collectively
23 represent the basis for my opinion.
24 You may --

25 ///

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2 BY MS. CARITIS:

3 Q. Okay but --

4 A. -- have referenced a number of
5 articles as well in this opinion. All of
6 this collectively reflects my opinion.

7 Q. Respectfully in Exhibit A there's
8 not a single citation. So your opinion
9 that it's unclear --

10 MS. ELLIS: Did you misspeak?

11 Exhibit A is the CV.

12 BY MS. CARITIS:

13 Q. Okay, whatever one, Exhibit D,
14 there are no citations in Exhibit D;
15 correct?

16 A. The citations I'm referring to
17 directly follow opinion 8. We have the
18 rider app screen, shots of Exhibit D, the
19 deposition of Hanna Nilles, Uber document
20 ending in 59. We have ISO 2018, the
21 ergonomics of human system interaction,
22 the documents -- I'm so sorry. It's
23 getting towards the end of the day. I
24 will be slower and more clear.

25 I will simply state the entire

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2 basis of my opinion is enumerated in the
3 paragraphs and the footnotes that follow
4 opinion 8.

5 Q. You did not take into account
6 that Uber has many other ways aside from
7 in-app reporting to report sexual assault
8 or sexual misconduct; correct?

9 MS. ELLIS: Object to form.

10 THE WITNESS: I was responding to
11 a specific question and enumerated a
12 specific opinion which I've documented
13 herein. I am very well aware of
14 Uber's ability to report sexual
15 assault and sexual misconduct. Those
16 were not responsive to the question or
17 the opinion that I gave.

18 BY MS. CARITIS:

19 Q. Okay. And the question that was
20 asked to you was posed by plaintiffs'
21 counsel; right? They asked you to look
22 into a specific question about the in-app
23 reporting options?

24 A. The questions I was asked as
25 documented in my report was whether Uber's

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post-reporting features, i.e., the features drivers could use to report sexual violence incident during or after trips, together with Uber's use of internal reporting records and its available GPS/telemetry capabilities, were designed, implemented, and governed consistent with recognized product development and software lifecycle standards in risk-sensitive applications.

Q. Did you look at whether or not United has a clear reporting pathway for sexual assault or sexual misconduct?

MS. ELLIS: Object to form.

THE WITNESS: I did not review the current United application in consideration of whether Uber's post-reporting features were consistent with recognized product development and software lifecycle standards, no, I did not.

BY MS. CARITIS:

Q. You didn't look at any other company's post-reporting or any reporting

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2 mechanisms for reporting sexual assault in
3 coming to your opinion; is that right?

4 MS. ELLIS: Object to form.

5 THE WITNESS: As I discussed,
6 with my 37 years of experience, my
7 extensive role as a traveler, using
8 almost every travel app that is out
9 there, an active rider on Uber and
10 Lyft, I had information in my brain
11 that was broad and comprehensive.
12 What I relied on to form my opinion is
13 specifically documented in the
14 paragraphs that follow opinion 8.

15 MS. CARITIS: Okay. Could we
16 quickly pull up 33 and 34 and we'll
17 mark those collectively as Exhibit 11,
18 and these reflect current reporting
19 options on United Airlines.

20 MS. ELLIS: Can we get a time
21 check when we have a moment?

22 THE VIDEOGRAPHER: There's 11
23 minutes left.

24 (Exhibit 11, form on the United
25 website, marked for identification.)

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2 BY MS. CARITIS:

3 Q. So Mr. Weiner, what we've just
4 marked as Exhibit 11 is a form on the
5 United website that attempts to allow an
6 individual to report an issue and if we
7 see my colleague Paul went through it the
8 other day, we see he put his confirmation
9 number for his flight and his last name
10 and then he's provided a few options at
11 the bottom. I don't see a reference to
12 sexual assault anywhere there. Do you?

13 A. I do not see a reference to
14 sexual assault or sexual misconduct there.
15 That does not surprise me because the
16 relevant impact and frequency of sexual
17 assault and sexual misconduct on an
18 airplane are not the same as the incidence
19 and impact of a sexual assault in an Uber
20 and I would not expect these two companies
21 to have the same reporting features.

22 Q. Okay. Well, would it surprise
23 you to learn that the FBI has put out
24 multiple statements concerning the
25 incidents of sexual assault and sexual

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2 misconduct that are occurring on
3 airplanes?

4 MS. ELLIS: Object to form.

5 THE WITNESS: I did not say that
6 sexual assault and sexual misconduct
7 never occur on airplanes. I enumerate
8 the relevant risk position as we
9 talked about extensively in ISO 31000
10 that must be taken into consideration
11 when making these assessments.

12 BY MS. CARITIS:

13 Q. You're assuming that there are
14 less sexual assaults that occur relatively
15 on airplanes than Ubers; right? You
16 didn't look up statistics concerning
17 sexual assault on airplanes?

18 MS. ELLIS: Object to form.

19 THE WITNESS: I did not look up
20 current statistics related to sexual
21 assaults on Ubers. As you're well
22 aware, my experience at United was
23 some time ago but I was aware of all
24 sorts of incidents that occurred on
25 airplanes during my time at United.

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2 MS. CARITIS: Curtis, if we can
3 scroll down a little bit on the
4 document, we can let Mr. Weiner see
5 other ways in which -- and if that's
6 the end of that one, then we can go to
7 tab 34 which will be Exhibit 12.

8 (Exhibit 12, document entitled
9 Customer Care, marked for
10 identification.)

11 BY MS. CARITIS:

12 Q. This is the customer care form
13 and if you scroll down it says it provides
14 you some options to make some -- make a
15 complaint. You can click on complaint.

16 When I click on complaint I'm
17 then taken down -- Mr. Delaney, you can
18 scroll down -- to inflight experience. I
19 guess that's what I would do. And then
20 you can go to about and you can identify a
21 safety issue. Do you see that?

22 A. Yes.

23 Q. Okay. And then it takes you to
24 another form where you can keep filling
25 out some information and then it ends up

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2 just providing me at the very bottom an
3 open answer box where I can provide a
4 description of what occurred here. Do you
5 see that?

6 A. I'm seeing that for the first
7 time now with you.

8 Q. Okay. Seeing it for the first
9 time because you didn't look at any other
10 reporting processing that other industries
11 or companies have to report safety
12 incidents; is that right?

13 MS. ELLIS: Object to form.

14 THE WITNESS: I considered
15 product development standards, not
16 other companies' reactions to the
17 risks that they are given.

18 MS. CARITIS: Okay. And let's
19 take a look at 35 and then I promise
20 we're done. 35 we'll mark as Exhibit
21 13.

22 (Exhibit 13, document from United
23 messaging, marked for identification.)

24 BY MS. CARITIS:

25 Q. This is a different way that you

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2 can get in touch with United. It's one of
3 those chat bots and we put in I was
4 sexually assaulted on a flight and the
5 response was to just send us right to a
6 feedback form. Do you see that there?

7 A. I see that in front of me now.

8 Q. Mr. Weiner, you would agree that
9 based on what we just looked at, United
10 certainly doesn't have a clear reporting
11 structure available on its website for
12 sexual assault or sexual misconduct;
13 right?

14 MS. ELLIS: Object to form.

15 THE WITNESS: The United screens
16 that you showed me do not show what I
17 have looked for and characterized in
18 my opinion as a clear, dedicated and
19 intuitive reporting pathway for sexual
20 assault and sexual misconduct, which
21 in my opinion is consistent with the
22 difference in sexual assault risk on a
23 United Airlines flight and in an Uber.

24 MS. CARITIS: So you said the one
25 that you believe you saw sexual

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2 assault reference was Lyft. We
3 actually were able to find a
4 screenshot of the reporting mechanism
5 there.

6 So Mr. Delaney, if you could pull
7 up the new tab that just came your
8 way, that will be Exhibit 14.

9 (Exhibit 14, document from Lyft's
10 website, marked for identification.)

11 MS. CARITIS: And it's from
12 Lyft's website. We'll get it in a
13 second up.

14 MS. ELLIS: I'm going to object
15 to this entire line of questioning as
16 to its relevance outside the scope of
17 Mr. Weiner's testimony as well as his
18 report.

19 MS. CARITIS: He has an entire
20 section on reporting sexual violence
21 in the Uber app.

22 BY MS. CARITIS:

23 Q. Here we see Lyft's reporting and
24 it says something happened during my ride.
25 I have a few options I can pick, Lost and

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2 found, Accident, Feedback on driver,
3 Refused service animal, I was refused
4 service due to a mobility device. Do you
5 see those options?

6 A. I do.

7 Q. Before you thought maybe you had
8 seen something explicitly mentioning
9 sexual assault or sexual misconduct. You
10 would agree here that it doesn't say
11 anything on this document on Lyft's
12 reporting mechanism concerning sexual
13 misconduct or sexual assault?

14 A. I was not referring to this
15 reporting mechanism. I have never looked
16 at this reporting mechanism before.

17 Q. Okay. Sitting here today, you
18 don't recall one way or the other whether
19 you have seen something on Lyft that
20 explicitly allows you to report sexual
21 assault or you do think you've seen it?

22 MS. ELLIS: Object to form and
23 the witness has just made clear that
24 he has not looked at this reporting
25 mechanism from the Lyft website before

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2 today.

3 MS. CARITIS: I'm asking about
4 the app.

5 BY MS. CARITIS:

6 Q. You're saying that you've never
7 seen this website. Have you ever seen any
8 other Lyft reporting mechanism before?

9 A. I have seen the Lyft reporting
10 mechanism in-app.

11 Q. And is it your testimony under
12 oath today sitting here today that you
13 think it says sexual assault on in-app
14 reporting but it doesn't say it on the
15 website?

16 MS. ELLIS: Object to form.

17 THE WITNESS: I cannot recall
18 sitting here today.

19 MS. CARITIS: You can take that
20 down, Curtis, thanks so much. That's
21 all I've got. So I don't know if you
22 want to go off the record, Tiffany, or
23 if you want to ask him questions.
24 It's totally up to you what you want
25 to do first.

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2 MS. ELLIS: Can we just go off
3 the record for a quick bio break and
4 I'll ask him questions.

5 THE WITNESS: We're going off the
6 record. This is the end of media 7.
7 The time is 6:10.

8 (Recess taken from 6:10 p.m. to
9 6:23 p.m.)

10 THE VIDEOGRAPHER: We are back on
11 the record. This is the beginning of
12 media unit 8. The time is 6:23.

13 EXAMINATION

14 BY MS. ELLIS:

15 Q. Mr. Weiner, you and I have met
16 before and I've been defending you
17 throughout the deposition today, but I'll
18 introduce myself for the sake of the
19 record.

20 My name is Tiffany Ellis and I'm
21 the attorney for the plaintiffs in this
22 matter. I just have a few follow-up
23 questions to ask you about some of the
24 things you were asked about today; is that
25 okay?

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2 A. Of course.

3 Q. You were just asked some
4 questions about your time -- about United
5 Airlines and the reporting structure for
6 potential sexual assaults that occurred
7 there. Do you recall that?

8 A. I was.

9 Q. To your knowledge, is United
10 Airlines in the business of sending a
11 single pilot to provide a one-on-one ride
12 with a single flier?

13 A. No, they are --

14 MS. CARITIS: Form.

15 THE WITNESS: -- not.

16 BY MS. ELLIS:

17 Q. Mr. Weiner, you also referenced a
18 footnote in your report earlier today,
19 number 2 which is on page 8 of your
20 report, and that states that United
21 Airlines in 2005 provided 67 million
22 passengers, a total of 114 billion
23 mainline passenger miles. Do you remember
24 that?

25 A. I do.

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2 Q. You're not aware of the number of
3 miles or trips United Airlines provided in
4 any given year now in 2025, are you?

5 A. I have not seen that number
6 recently, no.

7 Q. Would you expect that it went
8 down based on your experience and with
9 United Airlines in the transportation
10 industry since 2005?

11 MS. CARITIS: Form.

12 THE WITNESS: My experience gives
13 me a reason to hypothesize that it has
14 gone up since 2005, having recovered
15 from COVID and having merged with
16 Continental Airlines.

17 BY MS. ELLIS:

18 Q. You were also asked some
19 questions about the FBI investigating
20 incidents of sexual assaults aboard
21 aircraft in the United States. Do you
22 recall that?

23 A. Yes, I was asked by Ms. Caritis
24 about sexual assaults on airlines.

25 Q. I just was able to look up an

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article from FBI.gov dated April 29, 2025 that says that the FBI in 2024 investigated 104 sexual assaults aboard aircraft cases. Is that a number from a product development safety you would be interested in comparing to the total number of rides if you were to look at reporting processes?

MS. CARITIS: Form.

THE WITNESS: So yes, the relative scale of a small hundred number of sexual assaults is not the same scale and impact as I have stated we have seen in the data at Uber and, therefore, I would not expect the same reporting features to be present.

BY MS. ELLIS:

Q. You were asked some questions earlier by Uber's counsel positing that from 2017 to 2022 that .006 percent of the trips in the United States have reported sexual assault and misconduct. Do you remember that?

A. I recall that statement.

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2 Q. You are not testifying in this
3 case about the number of reports that were
4 received by Uber, are you?

5 A. I do not have any opinions that
6 specifically refer to the number of
7 reports received by Uber.

8 Q. Are you aware, however, from
9 information produced after your deposition
10 or after your report was produced
11 regarding the number of reports that Uber
12 has received of sexual report assaults and
13 misconduct?

14 MS. CARITIS: Form.

15 THE WITNESS: I have seen a
16 document which I have in front of me
17 regarding Flack data that has been
18 produced by Uber talking about the
19 total number of reports on the Uber
20 platform in that time period.

21 MS. ELLIS: We can go ahead and
22 share that document now and I will
23 mark that for the record as Exhibit
24 11. Hopefully you will be able to see
25 my screen.

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2 MS. CARITIS: I think we marked
3 an 11. Didn't we already mark an 11?

4 MS. ELLIS: I only see 10 in the
5 Box.

6 MR. DELANEY: Yes, the next free
7 exhibit number is 15.

8 MS. ELLIS: We'll mark this
9 Exhibit 15.

10 (Exhibit 15, document, marked for
11 identification.)

12 BY MS. ELLIS:

13 Q. Are you aware from your review of
14 this document the number of reports of
15 sexual assault and misconduct that Uber
16 received between 2017 and 2022?

17 MS. CARITIS: Form, scope.

18 THE WITNESS: According to this
19 document we are looking at roughly
20 half a million.

21 MS. ELLIS: I move to admit that
22 as Exhibit 15.

23 BY MS. ELLIS:

24 Q. Mr. Weiner, you also testified
25 earlier about -- you were asked some

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2 questions about your LinkedIn profile. Do
3 you remember that?

4 A. I do remember seeing my LinkedIn
5 profile presented by counsel.

6 Q. Can we pull up Exhibit 4 again
7 for a moment? Before we get there, let me
8 just ask you this: In your LinkedIn
9 profile, does it include all of the main
10 areas of your experience and expertise
11 that you have earned over the last 37
12 years as a -- in product development?

13 A. My LinkedIn profile is not
14 intended, nor is it a complete
15 representation of all of the skills and
16 experience I have developed over the last
17 37 years.

18 Q. Does it reflect your core
19 foundational knowledge and experience?

20 A. It reflects my work experience as
21 a chronology over the time period since
22 graduating college to date.

23 Q. Now we can go ahead to Exhibit 4
24 for a moment.

25 Mr. Weiner, when this exhibit was

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2 pulled up before, I think you made a
3 comment about your photo that you were a
4 little bit younger in that picture. Do
5 you recall how long ago that was?

6 A. I believe counsel has posited
7 that this was 2010. I believe that
8 picture is older than that.

9 Q. But this Web page as you
10 discussed was from around that time, 2010,
11 over 15 years ago; is that right?

12 A. That is correct.

13 Q. And at this time that you had
14 this Web page up you then had 20 years of
15 professional experience; is that right?

16 A. That is correct.

17 Q. And was that in areas that we
18 just discussed that are reflected on your
19 LinkedIn pages?

20 A. That is correct.

21 Q. We can go ahead and take that
22 down.

23 A. I love that picture.

24 Q. You were also asked some
25 questions about paragraph 27 in your

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2 report and your methodologies. Do you
3 rely on all of those core experiences even
4 if not articulated exclusively in
5 paragraph 27 of your report in formulating
6 your searches and review of records in
7 this litigation?

8 A. Absolutely. As I stated in my
9 report, I've used the sum of my 37 years
10 of experience in forming the criteria to
11 identify relevant documentation.

12 Q. You were also asked some
13 questions earlier about documents and
14 budgets. Do you remember that?

15 A. I was asked if I was aware of the
16 total spending on safety features, yes.

17 Q. Why is that important to you as
18 an expert in product development and
19 product lifecycles?

20 A. As I highlighted to counsel,
21 there are certain documents that could be
22 extremely helpful. Knowing the relative
23 amount of money spent involves the
24 returns. I highlighted those particular
25 documents in a footnote in my report.

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2 Q. And why did you highlight that?

3 A. Because when as a consultant I am
4 often asked to consider the product
5 development lifecycle, I find it helpful
6 to have budgets and PV analysis, return
7 analysis to consider the product
8 development lifecycle overall.

9 Q. Counsel for Uber also asked you
10 some questions about whether you know the
11 total amount of money that Uber spent on
12 safety initiatives at any point in time.
13 Do you recall that?

14 A. I do recall that question.

15 Q. Would it be helpful for you to
16 have Uber's overall budget if you knew
17 that number in order to provide any
18 additional opinions related to those in
19 your report?

20 MS. CARITIS: Form.

21 THE WITNESS: Sorry, were you
22 objecting?

23 MS. CARITIS: I just said form.

24 THE WITNESS: Sorry, yes. So
25 yes, as I highlighted in a particular

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2 paragraph in my report, the relative
3 spend on safety and investment was
4 between [REDACTED]. Knowing the
5 total dollar amount spent and the
6 relative proportion of that number in
7 the overall context of Uber's budgets
8 and revenue could be a helpful piece
9 of information to have.

10 BY MS. ELLIS:

11 Q. Why does that matter?

12 A. Because we are considering Uber's
13 choices in a product development
14 lifecycle. Those choices come out in
15 feature prioritization and budgets, and
16 trying to understand the choices that they
17 made to define those features and budgets
18 is important in understanding their
19 overall prioritization process.

20 Q. Does your assessment of scale
21 have anything to do with that analysis?

22 MS. CARITIS: Form.

23 THE WITNESS: The scale of Uber
24 is very relevant to my analysis in
25 terms of the number of humans on the

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2 dollars spent on safety features
3 absolutely.

4 BY MS. ELLIS:

5 Q. You were also asked some
6 questions about the taxis and Uber
7 (inaudible)?

8 A. Yes, counsel asked a number of
9 questions about taxis and comparisons to
10 taxis.

11 Q. You, I think, stated on the
12 record that Uber has more capability than
13 taxis. Does that surprise you?

14 MS. CARITIS: Form.

15 THE WITNESS: I'm neither
16 surprised nor am I in any way modified
17 to change any of my opinions based on
18 the relative scale of Uber and its
19 ability to make technology investments
20 and taxis and their relative ability
21 to make technology investments.

22 BY MS. ELLIS:

23 Q. I think you referenced paragraph
24 27 of your report to talk about the
25 foreseeability of sexual assaults in

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2 taxis. Would that have any impact on your
3 comparison to taxi industry?

4 A. Sorry, what paragraph?

5 Q. 27.

6 A. Page 27?

7 Q. Paragraph 27. Perhaps it was
8 page 27. We can move on. I think I've
9 cited the wrong question about after the
10 wrong paragraph. But I will ask you again
11 in considering the difference between
12 sexual assault, the possibility of sexual
13 assaults in taxis and -- in taxis versus
14 Uber, does foreseeability enter your
15 equation at all?

16 MS. CARITIS: Form.

17 THE WITNESS: The foreseeability
18 of sexual assaults is a risk
19 consideration that must be taken into
20 account in a product development
21 lifecycle by a technology product like
22 Uber.

23 BY MS. ELLIS:

24 Q. You were also asked some
25 questions about criminology. Do you

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2 recall that?

3 A. I do recall being asked if I was
4 a criminologist.

5 Q. While you said that you were not
6 formally trained in criminology, but as a
7 consideration of crimes, that's something
8 that has been a part of your work over the
9 last 37 years?

10 MS. CARITIS: Form.

11 THE WITNESS: Absolutely. As I
12 described in a number of examples, we
13 consider crime risk specifically in
14 financial services as it relates to
15 financial crime compliance. We
16 consider crimes from industries like
17 travel and travel agency services. We
18 consider crimes in this particular
19 case quite considerably and I have
20 considered crimes across much of my
21 37-year career.

22 BY MS. ELLIS:

23 Q. You were also asked some
24 questions about cameras in vehicles
25 including a hypothetical that if a in-app

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2 recording feature were required by Uber, a
3 driver could simply put the phone down on
4 the seat. Do you recall that?

5 A. I do recall that question.

6 Q. In that scenario, even if the
7 picture image was not visible, would audio
8 still record?

9 A. Audio --

10 MS. CARITIS: Form.

11 THE WITNESS: Sorry. Forgive me.

12 Audio recording would continue if
13 the driver put the phone down on the
14 seat in or in a glove compartment.

15 BY MS. ELLIS:

16 Q. You were asked some questions
17 about Exhibit D to your report. Do you
18 recall that? And we can go ahead and flip
19 there.

20 A. Absolutely.

21 Q. Starting at paragraph 3, you were
22 asked about the call 911 feature or text
23 911 that is discussed in paragraph 5. Do
24 you recall that?

25 A. I do recall that question.

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2 Q. So can you explain how many steps
3 would it take if a person, as you say Uber
4 said, was experiencing sexual violence
5 while still on a ride have to go through
6 in the app before they were able to
7 connect with 911 during a sexual violence
8 incident?

9 A. If we can imagine what Uber has
10 characterized as a high-stress and
11 traumatic circumstance, they would need to
12 hit the safety blue button, they would
13 need to hit the contact 911 button, they
14 would need to choose between the swipe to
15 call 911 or the text 911 button, at which
16 point they would either be connected to a
17 911 operator or begin a text conversation.

18 Q. And all of the features that are
19 covered in Appendix D to your report are
20 only available if you actually have access
21 to the Uber app online; is that correct?

22 A. That's correct.

23 MS. CARITIS: Form.

24 THE WITNESS: Sorry. That's
25 correct. You would need access to the

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2 Uber app to use these features
3 enumerated in Exhibit D.

4 BY MS. ELLIS:

5 Q. If a friend called an Uber ride
6 for me because my phone had died, would I
7 be able to use those feature during a
8 ride?

9 MS. CARITIS: Form.

10 THE WITNESS: Those features
11 would not be available during a ride
12 where a phone was dead.

13 MS. ELLIS: I have no further
14 questions at this time. Thank you,
15 Mr. Weiner.

16 FURTHER EXAMINATION

17 BY MS. CARITIS:

18 Q. I just have two quick follow-ups.
19 So on the questions that,
20 Mr. Weiner, Ms. Ellis was just asking you
21 about, are you familiar with the guest
22 ride feature?

23 A. I am familiar with the guest ride
24 feature in the Uber app.

25 Q. And on the guest ride feature, I

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2 can, I do it all the time, order a ride
3 for my mother on my Uber app and then it
4 will connect with her own phone so that
5 she's connected directly to the Uber
6 driver; right?

7 A. In the case that your mother's
8 phone had a battery and signal, she would
9 be able to connect to the Uber driver.

10 Q. If she had scheduled for the
11 various safety features we discussed to
12 turn on automatically, is it your opinion
13 that her phone would need to have battery
14 power in order to share her trip with me
15 still?

16 MS. ELLIS: Object to form.

17 THE WITNESS: It's a little
18 complicated what you just asked so we
19 can just be really clear. If you set
20 up a ride for your mother and she was
21 in the vehicle with a dead phone,
22 would she be able to notify you of the
23 in-phone recording or the
24 follow-my-ride feature?

25 ///

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2 BY MS. CARITIS:

3 Q. I'm talking about the instance
4 that Ms. Ellis just described. So we have
5 a guest, so my mother is my guest.

6 A. Yes.

7 Q. I order her a ride on my
8 application --

9 A. Yes.

10 Q. -- but I add her info --

11 A. (Inaudible) -- cell phone.

12 Q. Exactly. Exactly.

13 A. Sorry.

14 Q. She then is connected -- her app
15 is connected to my ride but her battery is
16 dead.

17 A. Yes.

18 Q. Is it your opinion that
19 prescheduled safety features such as Share
20 My Trip would not work and track my
21 mother's ride?

22 MS. ELLIS: Objection, form and
23 outside the scope of redirect as well
24 as his opinion.

25 MS. CARITIS: You just asked him

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2 if there were features, if they would
3 work if the phone was dead. I'm
4 talking about a scenario where the
5 safety features would still work.

6 MS. ELLIS: You can answer if
7 you're able.

8 THE WITNESS: I'm going to do my
9 best. So you've asked me if your
10 mother's dead phone can record or be
11 tracked on the GPS in her ride as a
12 guest?

13 BY MS. CARITIS:

14 Q. Would my mother's ride be tracked
15 if she had done share her trip prior to
16 the phone schedule, prior to her phone
17 dying?

18 A. I must admit I am not precisely
19 clear if your mother's phone or the
20 driver's phone is the one reporting the
21 GPS. If your mother's phone is the one
22 reporting GPS, it would not work. If the
23 driver's phone is the one reporting the
24 GPS, it would work.

25 Q. And one last question.

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2 Ms. Ellis opened up with talking
3 about FBI investigations on airplanes and
4 she reported that she had identified a
5 statistic where the FBI had been
6 investigating about a hundred sexual
7 assaults on the airplanes. You're not
8 aware of statistics concerning total
9 number of sexual assaults reported to
10 airlines; right?

11 A. I do not have a particular
12 statistic of total number of sexual
13 reports reported to airlines in 2025.

14 Q. Yes.

15 A. I have experience while at United
16 and I know that number to be considerably
17 low.

18 Q. You also are aware that airlines
19 don't have any mandatory reporting
20 requirements and do not publicly report
21 the total number of reported sexual
22 assaults on airlines?

23 A. I have never --

24 MS. ELLIS: Object to form. Go
25 ahead.

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2 THE WITNESS: I have never seen a
3 United Airlines' report on sexual
4 assault in the public domain.

5 MS. CARITIS: I have no further
6 questions. Thank you very much for
7 your patience today with me,
8 Mr. Weiner. I appreciate it.

9 MS. ELLIS: Just one last
10 question. Thank you everyone for your
11 patience.

12 FURTHER EXAMINATION

13 BY MS. ELLIS:

14 Q. In the situation where a rider's
15 phone is dead and there mandatory
16 recording through the app, would there
17 still be a record of either my ride or
18 Uber counsel's mother's ride?

19 A. As I have described in my
20 opinion, mandatory audio and video
21 recording which would primarily come from
22 the driver phone, that ride would be
23 recorded.

24 MS. ELLIS: No further questions.

25 THE VIDEOGRAPHER: Can I take us

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WEINER

off the record?

MS. ELLIS: Yes.

THE VIDEOGRAPHER: We are off the
record at 6:45 p.m. Eastern time and
this concludes today's testimony given
by Bruce Weiner. The total number of
media used was 8 and will be retained
by Veritext.

(Time noted: 6:45 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : ss.
COUNTY OF NASSAU)

I, CATHI IRISH, a Registered
Professional Reporter, Certified Realtime
Reporter, and Notary Public within and for
the State of New York, do hereby certify:

That BRUCE WEINER, the witness whose
deposition is hereinbefore set forth, was
duly sworn by me and that such deposition
is a true record of the testimony given by
the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of October,
2025.



CATHI IRISH, RPR, CRR, CLVS

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----- I N D E X -----

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WITNESS EXAMINATION BY PAGE

4

BRUCE WEINER MS. CARITIS 7, 409

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MS. ELLIS 393, 414

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----- EXHIBITS -----

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EXHIBIT NUMBER DESCRIPTION PAGE

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Exhibit 1, expert report 25

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Exhibit 2, LinkedIn profile 28

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Exhibit 3, LinkedIn experience page 31

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Exhibit 4, Weiner.net home page 95

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Exhibit 5, SEAK expert directory 123

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page

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Exhibit 6, invoices 146

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Exhibit 7, document entitled 213

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Foreward - Supplementary

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information

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Exhibit 8, document entitled Risk 230

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management -- Guidelines ISO 31000

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Exhibit 9, Esteves deposition aid 280

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Exhibit 10, e-mail from Sytske 350

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Besemer

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Exhibit 11, form on the United 384

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website

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*** ERRATA SHEET ***

NAME OF CASE: In Re: Uber Technologies,
Inc., Passenger Sexual Assault Litigation

DATE OF DEPOSITION: October 28, 2025

WITNESS: Bruce Weiner

PAGE	LINE	FROM	TO
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BRUCE WEINER

Witness and sworn to before me
this ____ day of _____, 2025.

(Notary Public) My Commission Expires:
Job No. CS7657810

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10/28/2025 - In Re: Uber Technologies,
Inc., Passenger Sexual Assault Litigation

ACKNOWLEDGEMENT OF DEPONENT

I, Bruce Weiner, do hereby declare
that I have read the foregoing transcript,
I have made any corrections, additions, or
changes I deemed necessary as noted on the
errata to be appended hereto, and that the
same is a true, correct and complete
transcript of the testimony given by me.

BRUCE WEINER

DATE

*IF NOTARY IS REQUIRED

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

Job No. CS7657810

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1 TIFFANY ELLIS, ESQ.

2 tellis@peifferwolf.com

3 October 29, 2025

4 RE: In Re: Uber Rideshare Cases v.

5 10/28/2025, Bruce Weiner (#7657810)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16 Return completed errata within 30 days from
17 receipt of testimony.

18 If the witness fails to do so within the time
19 allotted, the transcript may be used as if signed.

20
21
22 Yours,

23 Veritext Legal Solutions
24
25